

# Flexible Working Policy

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(Draft for Discussion)



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## 1. Objectives and scope

- 1.1 Flexible working can increase staff motivation, promote work-life balance and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer. This policy covers the statutory right to request flexible working. It should be read alongside the Flexible Workstyles Guidance which outlines the Council's approach to flexible working more generally.
- 1.2 This policy applies to all those employed by the Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. It does not apply to agency workers or interim staff.
- 1.3 All flexible working requests, including any appeals, must be considered and decided on within a period of three months from first receipt. These time limits may be extended where both the employee and employer are in agreement.

## 2. Requesting flexible working

- 2.1 A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.
- 2.2 Employees must make a request for flexible working in writing by filling in the Flexible Working Application Form which is available on the Council's Intranet. The employee must submit the form to their line manager with a copy to HR. Any request made under this policy must include:
  - the date of the application;
  - the changes that the employee is seeking to his/her terms and conditions;
  - the date on which the employee would like the terms and conditions to come into effect;
  - what effect the employee thinks the requested change would have on the Council;
  - how, in his/her opinion, any negative effect might be dealt with;
  - a statement that this is a statutory request;
  - whether or not the employee has made a previous application for flexible working; and
  - if the employee has made a previous request, when the employee made that application.
- 2.3 Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.
- 2.4 Line managers should not reject out of hand a request that does not contain the required information. The line manager should explain to the employee what

additional or amended information he/she needs to provide and ask the employee to resubmit the request.

### 3. Considering a flexible working request

- 3.1 Once the line manager receives the request, it will be dealt with as soon as possible. It may be possible for the line manager to agree to a flexible working request simply on the basis of the written application. If so, the line manager must complete the Flexible Working Acceptance Form which is available on the Council's Intranet, and submit it to HR as soon as possible. HR will arrange to confirm the change to the employee's terms and conditions in writing and send it to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.
- 3.2 Where it is not possible to agree to the flexible working request based on the written application alone, the line manager will arrange a meeting to deal with the request as soon as reasonably practicable. The aim of the meeting is to find out more about the proposed working arrangement and how it could be of benefit to both the employee and the Council.
- 3.3 The invite to the meeting will be in writing giving a minimum of five working days' notice, with the letter setting out the date, time and location of the meeting and it must state that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example the provision of a support worker or advocate with knowledge of the disability and its effect. The employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting.
- 3.4 Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date.
- 3.5 The meeting will always be held somewhere private and enough time should be scheduled to discuss the issues at hand. The manager will be advised by an HR professional.
- 3.6 After the meeting, the line manager will consider the proposed flexible working arrangement, weighing up the potential benefits to both the employee and the Council against any adverse impacts of implementing the change. Each request will be considered on a case-by-case basis: agreeing to one request does not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.
- 3.7 The employee will be informed in writing of the decision within three working days of the meeting. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee has the right to appeal the decision if the employee's request is not upheld or only upheld in part.

## 4. Flexible working requests that are granted

- 4.1 After the meeting, if the request is granted, the employee and the line manager will discuss how and when the changes will take effect. The line manager must complete the Flexible Working Acceptance Form as detailed in paragraph 3.1 above.

## 5. Flexible working requests that are declined

- 5.1 If the flexible working request is declined the line manager must complete the Flexible Working Application Rejection Form and give a copy to the employee and a copy to HR within three working days of the meeting.
- 5.2 The line manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:
- the burden of additional costs;
  - an inability to reorganise work among existing staff;
  - an inability to recruit additional staff;
  - a detrimental impact on quality;
  - a detrimental impact on performance;
  - a detrimental effect on ability to meet customer demand;
  - insufficient work for the periods the employee proposes to work; and
  - a planned structural change to the business.
- 5.3 A request cannot be rejected for any other reason.

## 6. Appeal

- 6.1 If the flexible working request is declined, the employee has the right to appeal. An appeal must be made using the Flexible Working Appeal Form which is available on the Council's Intranet, within five working days of receiving the written notification of the line manager's decision. The employee must submit the appeal form to their line manager with a copy to HR.
- 6.2 On receipt of the appeal, a hearing will be arranged as soon as reasonably practicable. To ensure that the appeal is considered objectively, the appeal will be heard by a Head of Service assisted by a representative from the HR team. The employee will be invited to attend the meeting and can be accompanied by a work colleague or trade union representative. The provisions in paragraphs 3.3 to 3.5 will also apply when arranging the appeal meeting. The employee's line manager will also be invited to attend to present the business case as to why the request was declined initially.
- 6.3 The employee will be notified of the appeal decision within three working days of the appeal meeting using the Flexible Working Appeal Reply Form which is available on the Council's Intranet. A copy of the form must also be sent to HR. If the appeal decision is again to decline the request, the employee cannot re-apply for flexible working for a period of 12 months from the date on which the application was made. If the appeal is upheld, HR will arrange to confirm the

change to the employee's terms and conditions in writing and send it to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.

6.4 The outcome of the appeal is final. There is no further right of appeal.

## **7. Exceptions to the policy**

7.1 The Council will endeavour to process requests for flexible working within three months from first receipt. However, there may be occasions where it is necessary to deviate from this to help reach a suitable outcome. For example, it may be agreed that the timescales are extended in the event that the employee is unable to attend a meeting, or to account for the absence of a Council representative.

7.2 In the event that an extension of timescales is required, the Council will confirm in writing the reasons for the extension and any agreed revision of the timescales involved.

## **8. Contract variation**

8.1 It is important to note that a flexible working request that is accepted will normally constitute a permanent change to the employee's contractual terms and conditions and will continue for the length of their current employment contract. The employee has no right to revert back to their previous working pattern, unless a further change is agreed between the employee and the Council through a subsequent flexible working request. For the avoidance of doubt, if the employee applies for and is appointed to a new job, the continuation of their flexible working arrangement cannot be guaranteed.