



Flexible Working Requests

Eligibility

An employee who has been continuously employed for at least 26 weeks and is the parent, adopter, guardian or foster carer of a child under 17 (or a disabled child under 18) has a statutory right to make a request for flexible working in order for them to care for the child. The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service and who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address also have the right to request flexible working.

Any other employee wishing to request flexible working will be allowed to do so following the same procedure.

Procedure

Employees may request:

- A change to the number of hours they are contracted to work;
- A change to the times when they are required to work; or
- A change of workplace so that they can work at home. See Home Working Procedure.

Requests for flexible working must:

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.

All requests must be made in writing by filling in the requisite application form, which is available on Tri-ex. 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 organisation;
- how, in his/her opinion, any such 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.

Employees are encouraged to submit applications using the Flexible Working Request form, which ensures compliance with the statutory requirements.

If the request can be granted without further consultation (See Organisational Structure Policy) the Director or HR will notify the employee within 28 days. Otherwise, a mutually convenient meeting will be arranged within 28 days to discuss the matter. The employee will be entitled to be accompanied at this meeting by a colleague or union representative.

The employee will be notified in writing within 14 days of the decision made following the meeting.

If the request has been granted, the notice will specify the changes to the employee's contract and the date from which they will take effect. Any change will be permanent.

If the request is rejected the grounds for the refusal will be given and an explanation of why they apply in the circumstances will be provided. For requests made under the statutory provisions the grounds must be one or more of the following:

- 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.

The line manager must not reject a request for any other reason.

The notice of refusal will include details of the appeal procedure and be dated.

An employee wishing to appeal must do so in writing within 14 days of receiving notice of the request being rejected.

An appeal hearing will be arranged for a mutually convenient date within 14 days. The employee will be entitled to be accompanied as at the first meeting.

The employee will be notified of the final decision within 14 days of the appeal hearing.

If the appeal is upheld, the notice will specify the changes to the employee's contract and the date from which they will take effect. Any change will be permanent.

If the appeal is dismissed, the notice will state the grounds for the decision and include an explanation of why those grounds apply.

Any of the timescales given above may be extended by agreement between the employer and employee. A written record of the period this relates to and the date on which the extension is to end will be sent to the employee.

An application will be treated as withdrawn if the employee

- Gives notice either orally or in writing that it is withdrawn;
- Without reasonable cause, fails to attend a meeting or appeal hearing more than once;
- Without reasonable cause, refuses to provide information requested in order to assess whether the contract should be varied.

In the latter two cases, the employee will be advised of this in writing.

An employee who has made a request for flexible working will not be entitled to make a further request until twelve months from the date of the application.

Data Protection

When managing an employee's flexible working request, the organisation processes personal data collected in accordance with its data protection policy. Data collected from the point at which the organisation receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Charity's disciplinary procedure.

Key Legislation

- Employment Rights Act 1996
- Children and Families Act 2014
- Data Protection Act 2018
- Flexible Working Regulations 2014 (SI 2014/1398)
- General Data Protection Regulation (2016/679 EU)

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