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# **FLEXIBLE WORKING POLICY**

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## 1. INTRODUCTION

Flexible working is the idea that your working life can, with agreement, be adapted to suit your needs and preferences. This may mean a change to the hours that you work, your start and finish times, your days of work or the place where you work. We recognise the benefits of flexible working and will consider all flexible working requests with an open mind. However, we will need to balance the request against its effect on the business and its impact on other staff.

We appreciate that some of you who work for us have a working pattern which lacks predictability – either in terms of the duration of your contract with us or your working pattern. We understand that you may wish to have more predictability.

*This Policy:*

- Sets out your legal entitlement to make a flexible working request, or to make a request for a predictable working pattern
- Explains the interplay between the flexible working process and the predictable working pattern process
- Explains how requests should be made in each case, and the procedures we follow
- Sets out the circumstances where we may decline your request
- Explains what happens if a request is approved

This Policy applies to all employees. Parts of the Policy also apply to workers and agency workers - we will say where that is the case.

This Policy does not form part of any contract you may have with us or, in the case of agency workers, any contract you may have with your agency. We reserve the right to amend or remove this Policy.

This Policy sets out the formal process by which you can request flexibility at work and/or a predictable working pattern. Before you make a formal flexible working or predictable working pattern application, we suggest that you discuss your request informally with your line manager.

### **The interplay between flexible working requests and requests for a predictable working pattern**

If you are employed by us, then you may make two statutory requests for flexible working within any 12-month period and, subject to the eligibility requirements set out below, two statutory requests for predictable working within any 12-month period. If you make a statutory request for flexible working, and the purpose of that request is to have a more predictable working pattern, it will count as both: one of your two statutory requests for flexible working and one of your two statutory requests for a predictable working pattern.

You may have only one live request either for flexible working or for a predictable working pattern with us at any one time.

## 2. FLEXIBLE WORKING

Flexible working might involve reducing or varying your hours or the days that you work or changing the location from which you work. There are lots of options, including:

- Part-time working
- Term-time working
- Annualised hours
- Compressed hours
- Flexitime
- Hybrid, home or remote working
- Job sharing

### **Who can make a flexible working request?**

All employees have the right to make a flexible working request. As set out above, normally only two requests can be made in each 12-month period. But if you qualify as disabled, you can make requests to work flexibly as a 'reasonable adjustment', and you can do that more than twice a year.

### **How should a request be made?**

*Under the formal flexible working regime, a request for flexible working must be sent to your line manager in writing and must:*

- State that it is a flexible working request
- Be dated
- Set out the change that you want and when you want it to take effect
- State whether you have previously made any flexible working requests to us and, if so, when
- State whether you have previously made any requests for a predictable working pattern to us and, if so, when

*You can only have one live request at any one time. Once a request has been made, it remains live until any of the following occur:*

- A decision about the request is made by us and any appeal is concluded (where an appeal has been offered)
- The request is withdrawn
- An outcome is mutually agreed
- The statutory two-month period for deciding requests ends without an agreed extension

### **Our approach to flexible working requests**

We will deal with flexible working requests reasonably.

We will consider the proposed flexible working arrangements, weighing up the benefits to you (and to the business) against any adverse impact that granting your request would have on the business or other staff.

We may grant your request in full or in part, or we may refuse it. We may also propose changes to your request for you to consider. You may be asked to complete a trial period before we confirm whether we agree to the changes.

## **Meeting**

We will usually invite you to a meeting to discuss your request. The meeting will give you the chance to discuss why you are requesting the change, how we can accommodate it, and will allow us to understand how you think such a change will work in practice.

We will write to you with the outcome of your flexible working meeting, as soon as reasonably practicable.

If we are happy to agree to the flexible working request without the need to meet, then we will simply confirm our agreement in writing.

## **Extending the time that we have to deal with a request**

If, for some reason, we are not able to make a final decision within two months of the date that you made your request, then we will ask you to agree to extend the time that we have to deal with the request. This might be necessary if, for example, we have allowed an appeal against a decision taken to refuse your request or if we have accepted the request on a trial basis but have not made a final decision.

We will record any agreement to extend the time in writing.

## **What we will do if we receive requests from more than one employee**

We will look at each request individually, on its own merits. Agreeing to one request does not mean we will reach the same conclusion again, nor does it create a right for any other employee. There may be situations when agreeing to flexible working with one employee means that others' requests for similar flexible working cannot be granted.

If we receive several requests from the same business area or team at the same time, and we believe that we will have difficulty in accommodating all requests, then we will speak to each employee with a view to seeing whether a compromise can be reached. If a compromise cannot be reached, then we will look at the requests in the order that they were received by us (unless a competing request is made as a request for reasonable adjustments because of a disability under the *Equality Act 2010*, which will normally take priority).

## **Agreeing a request**

If we accept your flexible working request, then your agreed change will form a variation to your contract of employment and will be permanent unless otherwise agreed. We will confirm your new terms in writing.

We will review your agreed change with you at regular intervals following the approval of your request to make sure that it is working as expected and meeting the needs and expectations of both you and the business.

## **Rejecting a request**

We will try to accommodate flexible working requests where possible.

*If we cannot accept your request, we will explain why in writing and will rely on one or more of the following reasons:*

- It will cost the business too much.

- The business cannot reorganise the work among other staff.
- The business cannot recruit more staff.
- There will be a negative effect on quality.
- There will be a negative effect on the ability of the business to meet customer demand.
- There will be a negative effect on performance.
- There's not enough work for you to do when you've requested to work.
- There are planned changes to the business (for example, the business intends to reorganise) and we don't think the request will fit with these plans.

Should your request be declined, please be aware that there is no formal legal right to an appeal. However, in certain cases, we may offer the opportunity for an appeal at our discretion.

### **Trial periods**

The legal framework surrounding flexible working does not include any right to agree to the request on a 'trial period' basis. However, it may sometimes be useful for both you and us to 'try out' the new working arrangements before a permanent change is made to your contract of employment. In these circumstances, we may seek to agree a trial period with you. We will not impose a trial period on you. If you reject the offer of a trial period, we will have to agree or reject your flexible working request straight away. If you agree to a trial period, then we will set out this agreement in writing. The letter may also include a reference to an extension of the two-month time limit for dealing with flexible working requests (as this period would otherwise continue to run during the trial).

At the end of any agreed trial period, we will make a final decision on your flexible working request and will communicate this in writing.

### **Appeals**

There is no formal legal right to an appeal. However, in certain cases, we may offer the opportunity for an appeal at our discretion.

Should an appeal be offered, you must appeal within 5 working days of our decision. Your appeal should be dated and sent in writing to the person identified as the appeal officer in the decision letter.

You must explain exactly why you are appealing.

We will invite you to an appeal meeting. Wherever possible, the appeal meeting will not be led by the manager who held the meeting at which we decided what action to take.

Appeals will normally be determined before the end of the 'decision period' wherever possible and communicated to you in writing. In some circumstances, an extension to the 'decision period' may need to be agreed with you.

Granting an appeal does not establish a precedent or guarantee the right to subsequent appeals.

### **Withdrawal of a request**

You can withdraw a request for flexible working at any time after it has been made. A withdrawn request will count as one of the two requests that you can make under the statutory scheme in any 12-month period.

*Where either of the following occurs by you, we may notify you in writing that we have decided to treat your conduct as a withdrawal of your flexible working request:*

- You have failed, without good reason, to attend both the first meeting arranged to discuss your request and the next meeting arranged for that purpose.
- We have allowed you to appeal against the rejection of your request and, without good reason, you have failed to attend the meeting.