



Putting Residents First

Flexible Working Request **Policy**

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1. Introduction

- 1.1 The Council encourages flexible working, where appropriate, to support employees to balance their home and work responsibilities.
- 1.2 This policy outlines our approach to flexible working requests under the statutory right to request flexible working and a framework for handling requests.
- 1.3 Eligible employees will have their application to work flexibly considered "in a reasonable manner" and only refused where there is a clear business reason for doing so.
- 1.4 Harrow Council strongly encourages staff to discuss any proposed changes to their working arrangements with their manager and Assistant Director/Director (D1 and above) informally to reach a mutual agreement prior to submission of a formal application under this policy.
- 1.5 The Council believe that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing and improve performance and productivity.
- 1.6 This policy sets out our approach to flexible working requests under the statutory procedure.

2. Scope

- 2.1 The statutory right to request flexible working applies to all employees from the first day of employment under a contract of employment, including fixed term contracts.
- 2.2 Agency workers, interims, consultants and as and when workers are excluded from the right to request statutory flexible working.

3. Eligible employees

- 3.1 All employees have the statutory right to request flexible working. Under the statutory procedure, you can make two requests in every 12-month period.
- 3.2 If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.
- 3.3 Employees will no longer need to explain the impact of their proposals and can make up to two applications per year.
- 3.4 The Council recognises the importance of providing flexible working for all staff. Therefore, if you are not eligible to make a formal request (e.g. agency worker) for flexible working under the statutory procedure, you may submit an informal request, and this will be considered on an informal basis.

4. Types of flexible working

4.1 The Council will consider requests for flexible working with an open mind. Examples of flexible working include:

- part-time working;
- flexible hours (for example flexible start and finish times); and

Employees can request a change to:

- the number of hours they work
- when they start or finish work
- the days they work
- where they work

5. Responsibilities

Managers and Assistant Director/Director (D1 and above) must:

- Reasonably handle flexible working requests by carefully considering requests and may meet with employees to explore available options and possible arrangements.
- Ensure employees know what information they must provide in the Flexible Working Application Form when making a flexible working request.
- Ensure applications are processed efficiently and within a two-month period (including appeals).
- Allow employees to make up to two applications within a 12-month period but without overlapping processes.
- Inform HR about any multiple requests and extensions of time agreed with employees.
- Provide a rationale in writing for their decision, particularly where a request is refused and clearly communicating the business ground(s) for refusing a request.
- Must not discriminate unlawfully against an employee in relation to any of the protected characteristics set out in the Equality Act 2010, as amended. The protected characteristics are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

All Flexible Working requests must be signed off by the Assistant Director/Director (D1 and above).

Employees

- Should be submitting a fully completed, accurate, dated, Flexible Working Application Form to their manager and Assistant Director/Director (D1 and above) if they would like to request flexible working.
- Can only make multiple requests in accordance with applicable timescales set out in this policy.
- Should be meeting the deadline if submitting an appeal. Employee must notify their manager and Assistant Director/Director (D1 and above), in writing, with grounds for the appeal, **within 7 days** of receiving the outcome.
- Responsible for arranging and informing their trade union representative or work colleague of the appeal meeting details.

Human Resources

- Are responsible for provision of advice, guidance and training on the application and monitoring of this policy, to ensure consistency of approach.
- Will be consulted by managers when an employee makes a second flexible working request within the same 12-month period.
- Will be consulted by managers considering requests to work flexibly that require a change to terms and conditions of employment.
- Payroll are responsible for processing any changes as a result of an agreed request and maintaining records of flexible working arrangements.

6. Making a request for flexible working

6.1 All requests must be made in writing by filling in the form for submitting a flexible working request in Appendix A. This should be submitted to your line manager and Assistant Director/Director (D1 and above).

6.2 Any request made under this policy must include:

- the date of the request.
- the changes that you are seeking to your terms and conditions of employment.
- the date on which you would like the change to come into effect.
- a statement that this is a statutory request.
- if and when you have made a previous application for flexible working; and

- if you have made a previous request, when you made that application.
- 6.3 If your request does not contain all the required information, you will be asked to resubmit it with the necessary additional information. Any request that is incomplete or contains errors will not be automatically rejected.

7. Timescales

- 7.1 There is a statutory requirement that the request, including any appeal and communication of the outcome of the request to the employee, must be considered within **two months** of first receiving the original request for flexible working, unless an extension is agreed with the employee.
- 7.2 If an extension is agreed, managers should confirm this in writing to the employee.
- 7.3 Once employees have made a flexible working request (Request 1), they cannot make another request (Request 2) within the same 12-month (of first receiving the original request for flexible working) period until processing of Request 1 is completed. This means that employees cannot make Request 2 until any of the following has occurred:
- A decision about Request 1 is made and communicated to the employee, including any appeal;
 - Request 1 is withdrawn by the employee;
 - An outcome to Request 1 is mutually agreed;
 - The statutory two-month period for deciding requests (or agreed extension) has expired.
- 7.4 The timescales within this policy may be extended where this is mutually agreed.

8. Considering your request

- 8.1 Your line manager and Assistant Director/Director (D1 and above) will consider your proposed flexible working arrangements carefully, weighing up:
- the potential benefits to both you and the organisation; and
 - any adverse impact of implementing the changes.
- 8.2 Employees will be invited to a meeting to discuss their request within 14 days of receiving the request.
- 8.2 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.
- 8.3 Your Assistant Director/Director (D1 and above) will inform you in writing within 7 days after the meeting to discuss your request of their decision and why.

9. Where your request is granted

9.1 Your request may be granted in full or in part. For example:

- Where there is some uncertainty about whether the flexible working arrangement is practical for you or the service, a trial period may be agreed.
- The Assistant Director/Director (D1 and above) may propose a modified version of your request.
- Your request may be granted on a temporary basis; or
- you may be asked to try the flexible working arrangement for a trial period.

9.2 Where your request is granted in full or in part, your manager will write to you with the new working pattern and make clear that it is only a temporary change.

9.3 The Council may reduce or lengthen the trial period where necessary in discussion with you. The Council reserve the right, at the end of the agreed trial period, to require you to revert to your previous working arrangement providing you with 4 weeks' notice.

9.3 Any changes to your terms and conditions of employment, whether permanent or temporary, will be put in writing and sent to you as an amendment to your contract of employment.

10. Reasons for rejecting a request

10.1 The Council will not reject a request without first meeting with the employee to discuss this.

10.2 While the Council is committed to encouraging flexible working patterns, there are circumstances where this is not possible. In some cases, it may not be possible to accommodate a request because of:

- 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.

10.3 The Council will not reject your request for any other reason.

10.4 The manager must also send written confirmation of any changes to Payroll for

processing and to update the employee's personnel file.

11. Your right to appeal

- 11.1 You have the right to appeal if your request (each request has one right of appeal) for flexible working is rejected or only agreed in part. Employee must notify their manager and Assistant Director/Director (D1 and above), in writing, with grounds for the appeal, **within 7 days** of receiving the outcome.
- 11.2 An appeal hearing will be arranged by the manager and Assistant Director/Director (D1 and above) and chaired by the Strategic Director. The meeting must take place **within 14 days** of receipt of the employee's appeal notification. Employee may be accompanied at the Appeal Meeting by their trade union representative or work colleague.
- 11.3 The Strategic Director gives the request "reasonable consideration" taking into account the appeal and reasons given by the manager and/or Assistant Director/Director (D1 and above).
- 11.4 If the request is agreed on appeal, the Strategic Director must notify the employee in writing within 7 days of the outcome and confirm the details to Payroll.
- 11.5 The outcome of the appeal is final.

12. Treating your application as withdrawn

- 12.1 If an employee fails to attend two appeal meetings arranged on their behalf, the employee's flexible working request will be deemed withdrawn. Assistant Director/Director (D1 and above) will communicate this withdrawal of their application to the employee in writing.

13. Data protection

- 13.1 When managing your flexible working request, the Council process personal data collected in accordance with GDPR regulations.
- 13.2 Data collected from the point at which the Council receive 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.

Appendix A: Statutory Flexible Working Application Form

Request for flexible working		
Name of employee:		
Department:		
<p>All employees have the statutory right to request flexible working. Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another (please see section 7 for more information). If you are uncertain whether you are eligible to make a request, please contact AskHR@harrow.gov.uk</p>		
Date: <i>(This date will need to be the same date you are submitting this form to your manager).</i>		
Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
I wish to submit a statutory request for flexible working as detailed below.		
<p>Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be.</p>		

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I would like the above change(s) to my working pattern to take effect on:		
I would like the above change(s) to my working pattern to be permanent:	Yes	No

<p>If "No", I would like the above change(s) to my working pattern to be temporary and to end on:</p>			
<p>Once you have submitted a valid application for flexible working, you will receive the outcome within 7 days. Your manager might be in contact with you to ensure that they have full, correct details for decision-making purposes. Your manager/Assistant Director/Director (D1 and above) may also arrange a meeting as an opportunity to consider and discuss any alternative flexible working options that may be available and suitable for you and the organisation.</p> <p>The Council treats personal data collected while managing your flexible working request in accordance with the Data Protection Act 2018 and the GDPR (sharepoint.com) Information about how your data is used and the basis for processing your data is provided in Information Governance - Information Governance and Security Policy Final Version 3.0 february 2020.pdf - All Documents (sharepoint.com)</p>			
<p>Signed:</p>		<p>Date:</p>	