



Do you KNOW YOUR LEGAL responsibilities around FLEXIBLE WORKING?

DID YOU KNOW, all employees have the legal right to request flexible working, once a year, as long as they have worked for you for at least 26 weeks?

What you LEGALLY MUST do is deal with requests in a 'reasonable manner', eg:

- assess the advantages and disadvantages of the application
- hold a meeting to discuss the request with the employee
- offer an appeal process

You can, of course, refuse an application if you have a good business reason for doing so, as long as you have dealt with the request in a reasonable manner. See the *ACAS code of practice document below.

What does “Flexible Working” mean in practice?

JOB SHARING — Two people do one job and split the hours

WORKING FROM HOME — It might be possible to do some or all of the work from home or anywhere else other than the normal place of work

PART TIME — Working less than full-time hours (usually working fewer days)

COMPRESSED HOURS — Working full-time hours but over fewer days

FLEXITIME — The employee chooses when to start and end work (within agreed limits) but works certain 'core hours', eg 10am to 4pm every day

ANNUALISED HOURS — The employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work

STAGGERED HOURS — The employee has different start, finish and break times from other workers

PHASED RETIREMENT — Default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part time



Flexible working hours and work-life balance

What steps you need to follow as an employer...

If an employee has worked for you for the last 26 weeks, they can make one 'statutory application' per year.

The basic steps are:

- The employee writes to you, the employer. You can ask them to use a standard form if you have one
- You consider the request and make a decision within 3 months - or longer if agreed with the employee
- If you AGREE to the request, you must change the terms and conditions in the employee's contract
- If you DISAGREE, you must write to the employee giving the business reasons for the refusal. The employee may be able to complain to an employment tribunal

The employee's application must include...

- The date
- A statement that this is a statutory request
- Details of how the employee wants to work flexibly and when they want to start
- An explanation of how they think flexible working might affect the business and how this could be dealt with, eg: if they're not at work on certain days
- A statement saying if and when they've made a previous application

Withdrawing an application

- Employees should tell you in writing if they want to withdraw their application
- You can also treat an application as withdrawn if the employee misses two meetings to discuss an application or appeal without good reason, eg: sickness
- You must tell the employee you are treating the request as withdrawn

After the application

- You must consider flexible working requests in a 'reasonable manner'
- You should usually make a decision within three months of the request (or longer if agreed with the employee)

Agreeing the application

You should write to the employee as soon as possible, but no later than 28 days after the request was approved, with:

- A statement of the agreed changes
- A start date for flexible working
- You should also change the employee's contract to include the new terms and conditions

Rejecting the application

You must tell the employee that you've rejected the application and why.

Valid reasons are:

- Extra costs that will damage the business
- The work can't be reorganised among other staff
- People can't be recruited to do the work
- Flexible working will affect quality and performance
- The business won't be able to meet customer demand
- There's a lack of work to do during the proposed working times
- The business is planning changes to the workforce

* <http://www.acas.org.uk/media/pdf/f/e/Code-of-Practice-on-handling-in-a-reasonable-manner-requests-to-work-flexibly.pdf>



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