

group policies and procedures

# REQUEST FOR flexible working

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**Related policies and guidance**



**Document revision and approval history**

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# 1. Flexible Working

Castleman Healthcare Ltd is under a legal duty to consider requests for flexible working from permanent employees.

Whilst the employer will consider seriously any requests for flexible working, it should be understood that this policy provides for a right to request flexible working, and not for a right to work flexibly.

Opportunities for flexible working will depend on the needs of the business, and whilst the employer will make every effort to accommodate requests for flexible working, this can only be on the basis that the employee’s duties can still be effectively carried out.

Eligible employees may request changes in their terms and conditions of employment relating to the hours they are required to work, the times they are required to work, where they are required to work, and such other aspect of the terms and conditions of their employment as may be specified by Regulations made by the Secretary of State.

By way of example, applications requesting flexible working could cover home working, job sharing, term-time working, shift working, and moving from full-time work to part-time work.

# 2. Eligible Employees

In order to make a request for flexible working, an employee must have been continuously employed for a period of no less than twenty-six weeks on the date on which the application for flexible working is made.

Additionally, the employee must be the mother, father, adopter, guardian or foster parent of a relevant child or must be married to such a person and living with the child, or must be the partner of such a person.

The employee must also have or expect to have responsibility for the upbringing of the child.

In order for a child to be an eligible child, the child must be under six years of age, or eighteen years of age if disabled, at the fourteenth day before the right to request flexible working is made.

Employees are advised this does not mean that any flexible working to which the employer might agree will cease when the child reaches six, or eighteen in the case of a child with disabilities. The application must simply be made before such ages are reached.

Additionally, a request for flexible working may be made by someone who is classed as a carer of an adult.

This means a person who is caring for an adult who is married to, or the partner or civil partner of the employee; is a relative of the employee; or who falls in to neither category, but lives at the same address as the employee.

A relative is defined as a parent, adopter, guardian, step-parent, parent-in-law, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, uncle, aunt, and grandparent, and this also includes adoptive relationships and relationships of the half blood, such as half-brother or half-sister.

Anyone making an application in request of the status of a carer must have or expect to have caring responsibility for the adult who falls into one of the categories mentioned above.

# 3. Making the Request

In addition to the age limits detailed above, employees are advised that they may make an application to request flexible working only once in any twelve month period, beginning with the date on which the previous application was made.

All requests for flexible working must be made formally. Any request not made in accordance with this policy need not be considered by the employer.

Any employee wishing to request flexible working must:

1. Make that request in writing to the Director of HR for Castleman Healthcare Ltd
2. Date the request
3. State that the request is an application for flexible working under the Right to Request flexible working
4. Detail the change applied for, and the date on which it is desired the proposed change should take effect
5. Specify what effect, if any, the proposed changes will have on the employer
6. Detail how, in the opinion of the employee, any such effect upon the employer might be dealt with
7. Specify how the employee has a relationship with a child which entitles him/her to make the request for flexible working
8. Provide the dates of any previous applications for flexible working

Employees are not required to explain why they require flexible working, but should understand that requests for flexible working can only be made for the purpose of caring for a child.

# 4. Procedure having received request for Flexible Working

Upon receiving a request from an employee, the employer is under a duty to give serious consideration to such a request.

Within twenty-eight days of the date on which the application is made, the employer will arrange a meeting to consider your request for flexible working.

You have the right to be accompanied to that meeting by a work colleague, but not someone from outside work.

At the meeting, you will have the opportunity to discuss your request for flexible working, and how the employer might accommodate it.

Should you be on holiday or absent on sick leave at the time the application is received, then the employer has the right to extend the twenty-eight day deadline for holding the meeting to a date falling twenty-eight days after the date on which you return either from holiday or from sick leave.

It is also possible for the employee and the employer to agree to extend the twenty-eight day deadline, and should that be done, the agreement must be in writing, specify the time limit the extension relates to, the date on which the extension is to end, and be signed and dated. This might be helpful, by way of example, where a request for flexible working could be granted if another employee could be recruited. Twenty-eight days might be too short a period of time in which to attempt to recruit another employee, and it might suit both parties to extend the time limit to allow the possibility of recruitment to be explored further.

# 5. Agreeing to the request

If the employer agrees to your request for flexible working, then you will be notified within the twenty-eight day period. This notice will be in writing and will specify the variation agreed to and the date from which it is to take effect.

You should understand that the terms and conditions of your contract of employment will be varied to take account of any change to which the employer agrees, and that those changes will be regarded as permanent.

This may also mean that any pay and benefits you receive may be affected by the change, for example, where it is agreed to reduce your hours.

The same position will clearly apply if you request for flexible working is granted after the meeting has been held.

# 6. Refusing the request

Having held a meeting to request flexible working, should the employer refuse your request for flexible working, then the employer will write to you within fourteen days of the date of the meeting. This will also apply if the employer agrees to your request following the meeting.

If your request has been refused, the employer will set out the grounds for refusal, and provide you with sufficient explanation as to why those grounds apply. The employer will also advise you of the appeal procedure.

The employer can refuse your request for flexible working only on the grounds set out below:

1. Burden of additional costs
2. Detrimental effect on ability to meet patient demand
3. Inability to reorganise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact upon quality
6. Detrimental impact upon performance
7. Insufficiency of work during the periods the employee proposes to work
8. Planned structural changes
9. Any other ground specified in regulations made by the Secretary of State.

# 7. The Appeals Procedure

Should your request for flexible working be declined, the Director of HR will write to you with reasons.

You have a right of appeal against any decision to refuse flexible working, and you must give notice of this appeal within fourteen days of the date on which the notice of the decision refusing you request is given.

Your notice of appeal must be set out in writing and give the grounds of appeal. It must also be signed and dated.

The employer can, without holding an appeal meeting, agree with your appeal. If this happens, the employer will write to you within fourteen days after the date on which your notice of appeal was given. In such a case, the changes which have been agreed to will be detailed, and the date from which they will take effect will be advised to you.

More typically, having received your notice of appeal, the employer will hold a meeting with you within fourteen days of the date on which the notice of appeal is given by you.

You have a right of accompaniment to such a meeting, and such accompaniment must be by a work colleague.

If, after the appeal hearing your appeal is successful, the employer will write to you within fourteen days of the date of the meeting specifying the variation agreed to and the date from which it is to take effect.

Should the employer decline your appeal, then within fourteen days of the date of the meeting, the employer will write to you setting out the grounds on which the refusal has been made, and providing sufficient explanation as to why those grounds apply.

After this procedure, should your appeal have been declined, then you will have exhausted the appeals process.