group policies and procedures

# REQUEST FOR flexible working

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| Category | HR |
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**Related policies and guidance**



**Document revision and approval history**

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|  | Aug 21 |  |  | Reviewed JL – changes reflect that all employees can now request. |

# 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.

There is an ACAS guide for employers available at <https://www.gov.uk/government/publications/the-right-to-request-flexible-working-form>

# 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. A request for flexible working is known as a Statutory application, details of which can be found;

<https://www.gov.uk/flexible-working/applying-for-flexible-working>

Only one request for flexible working can be made in any twelve months.

# 3. Making the Request

Employees are advised that they may make an application to request flexible working via the appropriate forms which can be found; <https://www.gov.uk/government/publications/the-right-to-request-flexible-working-form>

All requests for flexible working must be made formally via the form on the link above to the Director of HR.

If you are a parent or a carer you may be entitled to other ways of changing your hours and these should also be explored by you and the employer if you feel these are more suitable.

# 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 three months 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 deadline for holding the meeting.

It is also possible for the employee and the employer to agree to extend the three month 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. Three months 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.