



Flexible Working Request Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
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Owner	Human Resources
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DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
Personnel Committee	9 July 2024

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1st June 2027 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

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Appendix 1 Flexible working request form

1. Introduction

- 1.1 Every employee has a statutory right to request flexible working from the first day of employment. An employee is allowed to make two flexible working requests in any 12-month period.
- 1.2 This policy sets out the procedure for requesting flexible working and the process that will be followed at Cherwell District Council in considering such requests.
- 1.3 This policy does not form part of any contract of employment or other contract to provide services and it may be amended at any time following consultation with trade union and subject to agreement from the Personnel Committee.
- 1.4 Cherwell District Council's flexible working request policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers, or interns.

2. What is Flexible Working?

- 2.1 Flexible working refers to any non-standard working pattern including but not limited to:
 - Part-time working
 - Term time working
 - Job sharing
 - Home or remote working
 - Compressed hours
- 2.2 Flexible working is any arrangement that gives some flexibility on how long, where and when an employee works.

3. Making a Request for Flexible Working

- 3.1 A Flexible Working Request Form (Appendix 1) should be completed by the employee. The form should be submitted well in advance of the date when the employee would like the change to commence due to the time required to allow the procedure to be completed.
- 3.2 All requests must be in writing and include the following: -
 - The date of the flexible working request form.
 - The changes that the employee is seeking to their terms and conditions of employment.
 - The date from when the employee would like the proposed change to come into effect.
 - Whether a previous flexible working request form for flexible working has been made and the date(s) of any previous forms.
- 3.3 If the employee is making the request in relation to a disability under the Equality Act 2010, this should be made clear in the form.

4. The Needs of the Organisation

- 4.1 The Council is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.
- 4.2 Where a flexible working arrangement is proposed, the Council will need to take into account a number of factors including (but not limited to) the following: -

- The burden of additional costs.
- An inability to reorganise work amongst 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.
- A planned structural change to the organisation. (Where a restructure is planned or being undertaken there may be a delay in the decision especially where the employee's post may be changing.)

4.3 A request can be rejected for any one or more of these reasons. However, an employee will be given the right to appeal against a refusal (Section 9).

5. Timescales

5.1 All requests must be dealt with promptly must be considered and decided upon within a period of 2 months from receipt of the flexible working request form, unless the employee agrees to an extension.

5.2 They can be extended in the following circumstances:-

- Where the employee or line manager both agree to an extension, for example, to ensure any flexible working request form can be fully explored and discussed.
- Where the line manager who is required to deal with the flexible working request form is absent either due to leave or sickness absence.
- Where there is a planned structural change.

5.3 Any agreed extension must be made clear to the employee in writing.

6. Responding to a Request

6.1 Upon receiving a request for flexible working, the line manager will arrange a meeting to discuss the flexible working request with the employee within 2 months. This time limit may be extended with the agreement of both the employee and the line manager.

6.2 The employee will be given advance notice of the meeting and will be reminded of their right to be accompanied by another employee or a Trade Union Representative. The companion can address the meeting, and confer with the employee during it, but they cannot answer questions for the employee. The employee is responsible for organising the companion and ensuring that they know the date and time of the meeting. If the companion cannot attend the initial meeting, the employee must seek to rearrange the meeting for a time convenient to all parties. This should take place within 7 days of the date initially proposed for the meeting. If this cannot be achieved, the employee should consider an alternative companion who can attend the meeting. The companion is entitled to paid time off during work hours for these duties.

7. Meeting to Discuss a Request

7.1 The line manager must ensure that the meeting is held at an appropriate time and place convenient to both parties.

7.2 The aim of the meeting will be to discuss the flexible working request in greater depth and to explore how it might best be accommodated.

- 7.3 If the employee does not attend the arranged meeting without notification, they should contact their line manager as soon as possible to explain the reason for their absence, and to allow the line manager to rearrange the meeting to another mutually convenient time. If the employee fails to attend a meeting more than once without reasonable explanation, the employer can treat the flexible working request as having been withdrawn.
- 7.4 The following guidance notes can be used by both parties to ensure that they explore all options during the meeting in order to reach a decision: -

i) Line Manager

- Make a list or draft an agenda of the issues you want to discuss at the meeting.
- Inform the employee of anyone you have asked to join the meeting – this may include other members of the team upon whom any change in hours / pattern of working may have an impact and may help you reach a decision.
- Familiarise yourself with this policy and with the different types of flexible working that the Council can offer, including seeking advice from your HR Business Partner.
- Be prepared to discuss all options as an alternative arrangement may be agreeable.

ii) Employee

- Be prepared to expand on any points within the flexible working request.
- Prepare to be flexible, you may be asked to consider alternative flexible working patterns, start dates or a trial period.
- Make sure any companion is fully briefed beforehand, providing them with any relevant information required, and ensure that your line manager is aware that a companion will be present.
- Familiarise yourself with this policy and any other flexible working options that may be open to you.

8. Outcome of a Flexible Working Request

- 8.1 Once the meeting has taken place and the request has been discussed, the line manager must notify the employee of their decision in writing within 14 days of the date of the meeting.
- 8.2 When accepting a request for flexible working the line manager should submit a contract change form to Human Resources.
- 8.3 When refusing a request, it must be on one of the acceptable grounds outlined in section 4. The line manager is advised to contact their HR Business Partner for guidance ahead of any notification to an employee.

9. Right to Appeal

- 9.1 If it is not possible to agree to a request for flexible working due to the Council's business needs, the employee may appeal against the line manager's decision. The employee may, for example:
- Believe their request has not been properly considered.
 - Want to challenge a fact given to explain why the business reason applies.
 - Present information that wasn't available when the application was rejected.
- 9.2 The employee needs to put their appeal in writing to their line manager, within 5 days of notification of the decision, including the grounds for the appeal.
- 9.3 The appeal will be heard by a Senior Manager, usually from the same service area or Directorate and who has not been previously involved, and a representative from Human Resources. The employee has the right to be accompanied at the appeal hearing by a fellow employee or a Trade Union Representative.

- 9.4 Should the line manager agree to the request following the letter of appeal from the employee, then an appeal meeting is not required to take place.
- 9.5 Where an appeal meeting is held to discuss an appeal, the Senior Manager will provide a written decision within a reasonable timeframe of the appeal meeting, either stating:
- a) Agreement to the contract variation.
 - b) Grounds for the decision relating to the dismissal of the appeal and why it applies in these circumstances.

10. Trialling new Working Arrangements

- 10.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and /or the Council, a trial period may be agreed. If a trial period is arranged the Council will allow sufficient time for an employee and their manager to implement and become used to the new working arrangements before taking any decisions on the viability of a new arrangement.
- 10.2 Where a trial period has been arranged, the Council will provide the employee with correspondence detailing their new working pattern and make it clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the Council may reduce or lengthen the trial period where necessary with the agreement of the employee). The Council will reserve the right to require the employee to revert to their previous working arrangement.

11. Varying the Contract of Employment

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. HR will issue a new contract of employment to the employee confirming the new working arrangements. As this is a permanent contractual change there will be no entitlement for employees to revert to previous contractual working hours.

12. Withdrawing a Request for Flexible Working

A request for flexible working will be treated as withdrawn if:-

- The employee decides to withdraw their flexible working request.
- The employee fails to attend two meetings to discuss the flexible working request.
- The employee unreasonably refuses to provide the employer with the required information.

Flexible Working Request Form

Employee Name:	
Line Manager Name:	
Department:	
<p>I am writing to make a statutory flexible working request. Delete as applicable.</p> <p>[A] I have not made any previous statutory flexible working requests.</p> <p>[B] I have previously made [a statutory flexible working request(s)] on [give date(s)].</p>	
Describe your current working pattern (days/hours/time worked):	
Describe the working pattern you would like to work in the future (days/hours/time worked)	
Date you would like this working pattern to commence from:	
Optional – Explain the reason for this change	
Employee signature:	
Date:	

PLEASE SUBMIT YOUR COMPLETED FORM TO YOUR LINE MANAGER FOR CONSIDERATION.