

## **Guide to Flexible Working - Contents**

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### ***Links to related information on the Source***

- [Flexible Working Request Form](#)
- [Team Meetings - Guidance](#)
- Southwark Safety Management System – [Home Working Arrangements](#)
- Display Screen Equipment – [Self Assessment Form \(Home Working\)](#)

### **1. Introduction**

#### **Introduction**

Southwark recognises that people work best when they have a satisfactory balance between their paid work and the remainder of their lives; as individuals, carers and members of the community.

This topic contains an introduction to flexible working and information on options to support work life balance. Agreement to an employee's request to take up the opportunities described in this topic rest with departmental management.

The Council offers a number of flexible working opportunities that support work life balance and allow teams to use space, facilities and technology in a way that will better support them in their jobs. With the exception of the Council's flexi time scheme, agreement to take up any of the following options rests with departmental management on a person by person basis taking account of the needs of the team, the job and the individual. Decisions are dependent on some guiding principles -

- The needs of the service come first
- Adoption of one of the options is not an employee entitlement
- Equity means equal access to a fair process (it does not mean everyone gets the same)

#### **Starting the Conversation**

It is useful for managers to begin the discussion on flexible working in a team meeting. Typical areas to cover are set out in the [team guide](#). Discussions with individuals may continue through supervision meetings and performance management reviews.

## **Application**

Each employee must make a request to work any of the flexible working options, (excluding standard flexi time scheme, where this applies). The [request form](#) may be used to highlight areas for consideration by the employee and the manager:

1. Impact on service and customers
2. Impact on team members and other colleagues
3. Impact on supervisory arrangements or personal development
4. Obstacles and risks, and how these may be overcome.

All requests to work flexibly should be considered fairly with sound business decisions. Equity means access to a fair process; it does not necessarily mean the same outcome will be available to all. Decisions should encompass the diverse situations and needs of individuals and teams balanced against service delivery. The Council expects that flexibility will result in an enhanced or, at minimum, same service. If the arrangements proposed are considered detrimental to the service they will not be approved. Application of the working arrangements will be monitored through supervision and performance management discussions. Where problems occur, reasons need to be explored but changes to the working arrangements should be made where impact is negative on services or the individual.

## **Ground Rules**

For flexible working options to be effective managers and employees must:

- Take joint responsibility for making it work. Without everyone's commitment, energy and ideas, the most innovative working patterns will fail. This must include finding solutions to business issues, problem solving, accepting responsibility for one's own input and being accountable.
- Demonstrate mutual flexibility. Give and take is vital. Being flexible about what work patterns are appropriate and how they will run will ensure everyone has the chance to maximise their own access to new ways of working and these will be successful.
- Be open minded and be ready to pilot, where practical. Give things a try and be prepared to make changes to the new patterns or stop those that clearly do not work.
- Recognise that schemes are operated voluntarily.

If there are some doubts use a trial period to test out in practice.

## **Statutory Duty**

Employees have a [statutory right](#) to ask to work flexibly provided that they have at least 26 weeks continuous service. An employee can only make one statutory request in any twelve month period.

Managers must give careful consideration to this request, noting that there is a requirement to consider and advise the employee of their decision within three months of their request. It is also important to note that a request can only be rejected for specified business reasons; as set out in the [statutory right](#) to request flexible working.

## **2. Compressed Working Week**

### **Short Description**

The scheme allows staff to work longer hours each day so that contractual hours are completed in 4, or 4.5 days rather than 5 days.

### **Policy Issues**

Some of the arrangements applied to compressed working week are similar to the [flexi time](#) scheme. Those working a compressed working week -

- Must have an agreed number of standard working hours per day, e.g. for most staff on 36 hours this will be 9 hours where hours are worked over 4 days, 8 hours where hours are worked over 4.5 days.
- Potentially, the scheme may apply to all posts including those working part time & job share.
- Core times are 10am -12 noon and 2pm - 4pm; these may be amended through local variations. See further details on [flexi time](#).
- Starting & finish times may vary outside the Council's standard bands that are applied to flexi time, where service needs allow.
- At least half an hour break must be taken and is deducted from total hours worked.
- Other conditions of service, e.g. car allowances, parental leave etc, are unaltered.

### **Management Issues**

Decisions on whether to allow any of the variations noted above will take account of the following.

- Bombardment on the service and how changes in hours may enhance or reduce cover.
- Health & safety issues, specifically if work is undertaken outside standard hours and alone.
- The whole team's contractual availability and impact on other members of staff.
- Any changes in management arrangements, e.g. section meetings, handover meeting etc.
- The potential impact on the individual, particularly where there may be concerns on sickness record or capability. This should be open and discussed with the employee rather than assumed.
- Whether the variation will be temporary or permanent.

### **Employee Issues**

Before requesting variations to established patterns consideration needs to be given to the following.

- The ability to work a longer day on a continual basis and the impact on life outside work.
- There may be uneven spread of workload.
- Practice has shown that within any section there will be a mixture of people who will naturally choose to work early or late and therefore cover is maintained. If this is not the case, and particularly where the service is open to the public, staff may have to start/finish later or earlier than they would choose. It will be up to the manager to arrange times, in discussion with staff, as necessary. To successfully operate the scheme there has to be give and take.
- The employee equally has a responsibility to ensure that this will not be detrimental to the achievement of work tasks. This may include one's ability to work without access to immediate direction/ supervision, etc.

### **3. Employment Break Scheme**

The employment break scheme is a means of maintaining a professional relationship between the Council and people during periods when they want to take a break from their working lives. Its scope includes people of all ages who have reached a point in their lives where they want a period away from work but with the intention of returning later.

The maximum period for an employment break is 3 years, except for maternity related reasons where the break can be extended to 4 or up to 5 years from the date that the maternity leave commences. Where employees take a break for maternity related reasons for more than 3 years they **must** seek advice from the Pensions Service on the impact to them and their future pension entitlements before any final decision is taken. This will be the individual's responsibility. People can only buy back pensionable service for a maximum of 36 months.

The benefit for the Council is to maintain contact with those with valuable skills and experience who will be a real asset in the future. The scheme will encourage return and make re-entry to work easier and more productive.

Operation of the scheme is set out in the document, principles [Employment Break Scheme](#).

## **4. Flexi time Scheme**

Business units have the facility to offer staff flexi time working, without implementing a contractual change. The scheme allows staff to work flexible start and finish times and to build up hours worked in excess of their contract to take as half or full working days flexi leave. It is available to all eligible employees below JNC level, including job sharers and part time workers. Key elements of the scheme are -

- Eligibility for the scheme is a management decision in consultation with the staff concerned and their representatives. Chief Officers have the full discretion to exclude particular business units or posts from the scheme (or amend the scheme\*), due to the exigencies of the service.
- All staff must be in the workplace from **10am to 12 noon and 2pm to 4pm\***.
- Starting and finishing times may take place between: **8am to 10am and 4pm to 6pm\***.
- Staff will carry over excess hours or debits from one reporting period (i.e. 4 weeks) to the next. The maximum credit that can be carried forward is 15 hours; a debit of 7 hours can also be transferred between reporting periods. Any credits in excess of 15 hours will be forfeited. Unworked hours in excess of 7 will be regarded as unpaid absence. (For both credits and debits the manager has flexibility to agree variations in **exceptional** circumstances). The persistent accumulation of debit hours in excess of the balance may, in addition to the loss of salary, lead to disciplinary action against the person concerned and removal from the flexi time scheme.
- Staff can take up to 2 days flexi leave where hours are accrued. As with all planned absences, authorisation for flexi leave must be gained in advance and will need to be considered subject to the exigencies of the service.
- Flexi-time hours are normally recorded using an electronic clock/ recording system. A manual recording system can however be used.

## **5. Flexi Break Scheme – (School Break Scheme)**

This allows staff to work their contractual hours during school term time only, with time out taken at half term holidays, Christmas, Easter and summer school breaks.

The scheme is a form of flexi time with days taken off in recognition of the build up of hours in excess of the person's contract; and as such eligibility excludes JNC staff. The employee works a longer week than their contracted hours during term time, these hours are "banked" to be taken alongside annual leave during the school holidays.

(Note, for some staff adjusting their start and finish times may not be possible. These staff may opt to reduce their contractual hours but continue to work their original start and finish times during term time so that they bank sufficient hours for the schools' breaks).

### **Management Issues**

**Decisions on whether to allow flexi break scheme are likely to include consideration of the following, other local issues may apply.**

- Whether there are seasonal "peaks & troughs" of work that correlate with the educational calendar.
- The extent that service provision has to be covered by other members of staff and the uniqueness of the role is critical.
- The whole team's contractual availability and impact on other members of staff needs careful attention, e.g. the size of the team, the number of people working term time (or other flexible arrangement that affects cover).
- Employee's abilities or attitudes. There needs to be a foundation of trust that the employee can work effectively to this pattern without detriment on the service.
- Flexi break scheme need not only apply to those with children. There may be other reasons why people would choose this pattern of work.
- Whether flexible break scheme should be agreed as a permanent arrangement, or on a temporary basis (e.g. year by year).

Having agreed, management issues will include a) Arrangements to maintain communication with the employee and ensure that performance management principles are consistently applied. It may be necessary to amend the frequency or timing of performance management reviews to reflect different working patterns. b). Ensuring that the person's requirements / needs are considered during absence. Establishing reasonable and non-intrusive communications with the employee.

### **Employee Issues**

For some people the decision to apply for the flexi break scheme will be a balance between the pressures/ expectations of life outside work and the impact on working arrangements. Considerations may include the following.

- The ability to work longer hours during term times, or the financial impact of reducing contractual hours.
- The need to keep track of hours worked so that a large debit does not occur.
- Potentially, no (or very little) annual leave during term times - i.e. blocks of six weeks.
- The need to quickly re-absorb work issues and update on changes following leave.

Operation of the scheme is set out in the document on the right, terms & conditions [Flexi Break Scheme](#).

## **6. Home Working (Working from Home)**

### **Basic Principles**

The following basic principles apply to those people who work from home as part of their normal contractual working week.

- It is a management decision whether to agree to an employee's request to work from home taking proper account of the requirements of the job, the needs of the service, the impact on the team and the implications for the individual.
- Staff working from home have the same employment rights and are subject to the same Council procedures and Code of Conduct as people working from an employer's premises.
- The employee's contract of employment will continue to show the person's employer as "Southwark Council" and be based at an administrative centre as determined by the Council. A contractual addendum will only be required for employees who work permanently from home; such instances are considered exceptional.
- Working from home will not impact on an employee's remuneration and employee's will not suffer in terms of career prospects.
- During agreed times of duty staff working from home have the same obligations as all other employees for activities to be solely directed towards the duties and responsibilities of their employment.
- When working at home employees are required to carry out their work duties during their normal hours of work unless flexible hours have been agreed with the person's manager.
- The effectiveness of people work from home will be reviewed regularly as part of performance management and if necessary people may be required to revert to office based working where this is deemed essential for performance.
- The Council will retain the right to enter the employee's home to inspect Council equipment and to inspect the storage of Council data if this cannot be done remotely. Where the employee leaves or ceases home working any equipment or data retained in the home will be returned to the Council.

### **Who Can Work From Home**

There is not a defined list of posts where postholders can/ can't work from home.

- The needs of the service come first
- Worklife balance options are not an employee entitlement.
- Equity means equal access to a fair process

In considering a request to work from home managers should consider the -

- Impact on customers and service users
- Impact on the team
- Impact on individuals.

The employee also needs to fully consider the implications for them of working from home before making a request. Information on access to [IT](#) and responsibilities for [health and safety](#) (etc) are dealt with elsewhere in the guide. Individuals' issues will differ but typically people need to think about.

1. Time and money saved in commuting.
2. Potential increases in productivity, avoiding interruptions.

But also –

1. Lack of access to immediate support and colleague contact.
2. Requires self discipline & motivation.
3. Need to ensure separation between home & work lives.

For many jobs it is worth the manager and the employee thinking through how tasks can be segmented so that the most appropriate are undertaken at home, e.g. reporting writing, whilst others are best suited to the workplace. And to recognise that people's ability to work at home will differ over time, e.g. some new to a role may require more immediate support or demands throughout the year may change the need for an individual's presence in the workplace. Flexibility remains a key requirement.

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### **Foot notes**

(# Potentially, there may be some exceptions and therefore employment would have a different contractual basis. This is not covered further in this guide).

Working from home is voluntarily#. Any employee can request to work from home but agreement rests with departmental management, decisions will follow the guiding principles applicable to all flexible working options -

### **Terms & Conditions of Employment**

1. Working from home has no impact on determining the grade or salary of staff.
2. Whilst terms and conditions are unaltered, for those who work permanently at home there will need to be an addendum to contract as there are different requirements in terms of health and safety and possibly equipment (etc.). Such instances would however be rare and advice should be sought from HR staff on these occasions.

**3.** Arrangements for occasional or part time working from home will be determined between the manager and employee, in response to an employee request. This is described further in [who can work from home](#). It will not lead to a contractual change or a right to home working on any given day, albeit changes in working patterns need to be approached thoughtfully and responsibly by both managers and employees.

**4.** Staff who work from home will be eligible to receive travel expenses, and where applicable car allowance in accordance with the criteria for all other staff. Travel expenses and mileage claims will -

- Not be accepted for normal travel between the employee's home and their Southwark work base. (There are exceptional circumstances applicable to all staff who are required to attend work outside their normal week, see [BM Guide to Travel](#)). For other locations, home to office expenses/ mileage would be deducted from any claim.

**5.** Standard conditions on; annual leave, overtime (etc) apply equally to employee's working from home and staff should follow normal notification/ booking arrangements via ESS.

**6.** In most cases day to day contact between the employee working from home and their workplace will be via e-mail. Where an employee needs to speak to a colleague/ manager in the workplace they should e-mail them to telephone their home number. Pending further developments of telephony resources, where it is unavoidable for the employee but to make work related telephone calls from their home they will either -

- Be given a mobile phone for contact with their workplace and the costs of all work related calls paid for directly by the Council.
- Or with agreement may use their own 'phone / mobile phone and claim reimbursement of all work related calls.

**7.** Staff working from home will have the same opportunities as other employees to work part time and pursue flexible working arrangements. The latter is described further in the [application of HR policies and procedures](#).

## Sickness Management

Where an employee is sick on a day which has been identified for working at home the same standards of notification and need for sick certificates applies as outlined in the [employee's guide to sickness absence](#).

Similarly if the return to work coincides with a day identified for working at home, the employee must confirm their availability to their manager at the start of the working day. For some posts/ employees work at home is only possible where they have undertaken pre preparation. Where this has not occurred the employee may need to attend the workplace on their first day of return.

Generally return to work interviews will need to be held in the workplace at the earliest date that the employee and manager are available. However, an earlier telephone interview should not be ruled out.

## **Performance Management**

The council's [performance management scheme](#) creates structure to the development and assessment of SMART objectives and provides an appropriate opportunity for the manager and employee to evaluate the effectiveness of home working on performance and development needs. Home working demands regular dialogue between manager and employee on progress and feedback by the employee on the achievement of targets or obstacles to achievement. The manager and the employee need to discuss how details will be provided and frequency of updates. Supervision and review meetings should take place on council premises.

## **Flexible Working / Compressed Working Week**

Staff working from home will have the same opportunities as other employees to pursue flexible working arrangements, e.g. [flexi time](#) or [compressed working](#) week.

For flexi time the Council's standard is -

- Core times are 10.00 am to 12 noon & 2.00 p.m. to 4.00 p.m.
- Starting and finishing times may take place between: 8.00 am to 10.00 am & 4.00 p.m. to 6.00 p.m.

Chief Officers, as delegated, have the full discretion to exclude particular business units or posts from the scheme, or amend the scheme due to the exigencies of the service.

Individual times of duty must be agreed with management in the normal way. Employees are expected to take a minimum of half an hour unpaid break over the lunch time period. (It is a legal requirement that an employee is entitled to an uninterrupted 20 minute break (unpaid) where 6 or more hours have been worked continuously.)

It is anticipated that those based at Tooley Street will have access to an IT based time recording system which can be accessed remotely, details to be updated as received. For those without access to these arrangements practical time recording arrangements need to be agreed between the manager and the employee; e.g. e-mail notification to log in/ out of work, flexi reconciliation sheets etc.

## **Learning & Development**

Opportunities for home working will not affect the development and delivery of learning & development plans. Employees will be expected to attend any agreed training held on council premises or other agreed locations. Increasingly, however, learning and development will be delivered through IT solutions and, with the agreement of the person's manager, may be at home as part of the employee's working week.

## **Health & Safety**

Home working arrangements for a team or individual should not be approved until a competent person has carried out a risk assessment of the individuals concerned, the type and nature of the expected duties and all associated hazards.

The detail of the assessment should be proportionate to the nature of the work and enable managers identify control measures.

Guidance for managers on home working arrangements and associated risks is provided in [Guidance Note 314](#). Risk assessments for home working should be reviewed as follows:

- Whenever there are significant changes in the nature of the system of the work
- New hazards or risks are identified
- A new medical condition is diagnosed or notification of pregnancy
- Following a major incident, e.g. a fire.
- Monitoring identifies the current system to be invalid
- In the absence of any of the above, no greater than two years from the date of the assessment

It will not always be practical to send a risk assessor to conduct risk assessments in the home so potential home workers must be trained in how to conduct a self-assessment that will be reviewed by a competent manager to evaluate the suitability for home working through the controls already in place and whether further actions are required before home working can commence.

In respect of Display Screen Equipment self-assessments [a form](#) and checklist has been prepared for employees to complete and return to their manager for review. Before making a request to work from home, the employee would be expected to have considered their home environment and that they have the standard equipment to satisfy legal requirements.

The manager will review the self-assessment to determine whether the request for home working may be agreed if compliance with Southwark requirements are met.

The Council's policy for the management of stress in the workplace will be fully applicable to home workers and the arrangements in place for their health and well-being. Home working may be less stressful for employees by reducing journey and travel burdens, although individuals may respond differently to the practice and some may be adversely affected through a reduction in interaction of colleagues and perceived sense of isolation.

## **Insurance**

People will be responsible for arranging adequate insurance of their home and contents, other than the items specifically provided by and thus insured by the employer.

Any furniture or equipment bought by the Council is covered by the organisation's own insurance arrangements against loss and damage on the same basis as other work locations. However the employee must complete and sign an [indemnity form](#) for any furniture and equipment provided by the Council for use in the home and is expected to comply with the terms outlined in the form.

## **IT & Equipment**

This section will be amended as arrangements are rolled out to enable staff to remotely access Citrix and non Citrix applications, through the Remote Access Platform.

The decision to allow employees to work from home will include their ability to access the IT operational systems necessary to undertake their role and whether this is a significant day to day requirement. For example; for some employees occasional working from home may be valuable to undertake tasks not reliant on IT access. For many, however, access to the Council's IT systems, including e-mail, is an integral part of their day to day role and for these employees the developments aim to:

- Allow people to download citrix software so that they can use their home pc as a gateway to the Southwark IT environment, i.e. in practice people are working within the council systems and nothing is stored on or exchanged with the person's p.c. This will only apply to people who use citrix in the workplace.
- Use their own pcs to access other IT packages that are not available within the citrix environment.

For people to be able to use the remote access platform their pc and software applications must meet minimum requirements. Broadband is also essential and people will need to check out certain details with their internet service provider.

Details are provided in the remote access platform user guides. Links to the documents can be found on the right hand side of this page under Related Documents. This also provides guidance on accessing the citrix environment for the first time and the use of the signify key. Signify keys will be purchased by the business unit.

When considering the purchase and use of equipment the following should also be noted:

- Unless there is a requirement for the employee to undertake certain tasks at home, responsibility rests with the employee for the purchase and ongoing availability of equipment and the cost of broadband. (If the employee's system and equipment are not available they need to undertake other, agreed, non IT based tasks or attend the workplace). There may be some exceptions to equipment purchase / costs. For example some specific posts who are required to have remote access to Council systems for clear business continuity purposes and in these cases suitable equipment and agreed additional costs would be met by the Council.

Before making a request to work from home, the employee would be

expected to have considered their home environment and that they have the basic tools to undertake; workspace, suitable chair etc.

- Small items core to completing work tasks as part of a normal working day may be provided by the Council, e.g. items of essential stationery, if a wrist rest is requested and similar arrangements apply in the workplace it would be sensible to purchase without further investigation etc. A test of reasonableness must be applied.
- Where a DSE assessment identifies the need for special equipment specifically to fulfill the obligations of a working day, (i.e. rather than any use of pc equipment), the need must be verified and the cost of providing taken into account when responding to an employee's request to work at home.
- Equipment provided by the council is covered by the Council's insurance - see separate section and conditions applying. All items remain the council's property and a record will need to be maintained. In the event that the home working arrangement ceases, arrangements will need to be made to transfer all equipment/ items back to the council.
- Employees must not allow any third parties (including family members or cohabitants) to access Council systems via a home pc or to use any IT equipment specifically provided by the council.
- When using the remote access platform it will not be possible to print documents using the person's home based equipment.
- Normal reporting arrangements will apply on faults with accessing Council IT systems or Council equipment. Problems with individuals' own equipment will remain their responsibility, (repair/ support etc as covered by warranty or other arrangements) and cannot be referred to Council contacts or Capita.

## **Information Management & Security**

The employee must take all reasonable precautions to protect information relating to their work from loss or damage. This will include -

- Transporting work related information to and from home and the workplace. Most employees will be using the remote access platform, as described in the Section on [IT and equipment](#). For these people information is exchanged and stored using the Council's IT systems and therefore in practice no information is held within the home. Where this does not occur, information must only be taken outside the workplace in accordance with the [Data Protection policy](#).
- Restricting access to information from other people residing in or visiting the home and as far as practical keeping work life and domestic life separate. Making sure that items are kept secure and confidential.

For others using IT systems outside the remote access platform or manual data, records remain the property of the Council, are subject to FOIA regulations and where relate to identifiable living individuals may subject to the Data Protection Act 1998. Where applicable, the key principles of the Data Protection Act and Council's policy apply equally to a home environment; further details [click here](#).

## **7. Flexible Working - Statutory right to request**

### **Eligibility**

Every employee has the statutory right to ask to work flexibly provided that they have at least 26 weeks service. An employee can only make a statutory request once in any 12 month period.

Employers have a statutory duty to consider this request (and any appeals) in a reasonable manner and respond to the employee within three months. They can only reject requests where there is a clear business reason.

The right is designed to meet the needs of both employees and employers. Although it does not provide an automatic right to work flexibly, it aims to facilitate discussion and encourage both the Council and the employee to consider flexible working patterns and to find a solution that suits them both. The employee has a responsibility to think carefully about their desired working pattern when making an application and the Council is required to follow a specific procedure to ensure requests are considered seriously.

### **Scope of a request**

Eligible employees will be able to request:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home or other place of work.

This covers working patterns such as annualised hours, compressed hours, flexitime, home working, job-sharing and flexi break scheme. See the Council's [Guide to Flexible Working](#) for more information.

### **Procedure**

The procedure to request flexible working under the statutory provisions is as follows:

- The initial onus is on the employee to make a considered application in writing. They can only make only one application in any twelve month period under this right, and an accepted application will mean a permanent change to the employee's own terms and conditions of employment. It is important that, before making an application, the employee gives careful consideration to the working pattern requested, any financial implications where the desired working pattern will involve a drop in salary; and any effects it will have on Council services and how these might be accommodated.
- Within their application the employee must set out the change to working conditions that they are seeking and when they would like the change to come into effect. The employee is encouraged to use the request form and address: -

1. Impact on service and customers
  2. Impact on team members and other colleagues
  3. Impact on supervisory arrangements or personal development
  4. Obstacles and risks, and how these may be overcome.
  5. Confirm that this is a statutory request and advise whether they have made a previous application for flexible working.
- Upon receipt of a written request, the manager must give it careful consideration. The manager should arrange to discuss this with the employee as soon as possible. However if the manager intends to approve the request then a meeting is not essential.
  - In considering the request, the manager should look at the benefits of the requested changes for the employee and the business and weigh these against any adverse business impact of implementing the changes.
  - Where a meeting is required, it should provide an opportunity for the manager and the employee to explore the desired work pattern in depth, and to discuss whether and how best it might be accommodated. It should also provide an opportunity to consider other alternative working patterns if there are problems in accommodating the desired work pattern outlined in the employee's application. The employee can be accompanied at this meeting by a trade union representative or work colleague. At this meeting the manager should advise the employee that should the request be refused they have the right to appeal.
  - Once a decision has been made the manager must write to the employee to either agree to a new or modified work pattern and to set the implementation date (ensuring that any contractual changes are confirmed); or to provide clear business reasons setting out to why the request cannot be accepted.
  - Where a statutory request is rejected it can only be for one or more of the following business reasons:
    1. the burden of additional costs,
    2. an inability to reorganise work amongst existing staff
    3. an inability to recruit additional staff
    4. a detrimental impact on quality
    5. a detrimental impact on performance
    6. detrimental effect on ability to meet customer demand
    7. insufficient work for the periods the employee proposes to work
    8. a planned structural change to the business.

## **Appeals**

- The procedure allows the employee the right to appeal the manager's decision where the application is rejected. The appeal process is designed to be in keeping with the overall aim of the right of encouraging both parties to reach a satisfactory outcome at the workplace. An appeal will be considered by the manager's manager, i.e. "grandparent" approach. It may not be considered through the employee complaints procedure.
- Under the statutory process all requests, including any appeals, must be considered and decided on within three months of receipt, unless an extension is agreed with the employee.
- If the employee repeatedly fails to attend meetings (including appeal meetings) to discuss the application and does not provide a good reason, the request can be considered as withdrawn. In any such circumstance the employee must be notified in writing of this and advised that they can not submit another application for twelve months.

### **Further Guidance**

- In specific circumstances requests for flexible working will overlap with other different statutory demands. For example the employee may also be making the request in relation to the Equality Act and the need to make reasonable adjustments for a disability.
- There may be occasions where managers have to balance requests from various employees. The Acas guidelines suggest that requests should be considered in the order they are received. Having considered and approved the first request the employer should remember that the business context has now changed and this can be taken into account when considering subsequent second requests. Employers are not required by law to make value judgements about the most deserving request. An employer should consider each case on its merits (which will include reference to other legislation) looking at the business case and the possible impact of refusing a request. An employer may want to have a discussion with the employees to see if there is any room for adjustment or compromise before coming to a decision.