

Flexible Working Policy

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How do I?

To find out about how to perform required actions in the IBC portal, click [here](#) and search for 'flexible working'

Introduction

Westminster City Council as a general rule no longer adopts flexi time or flexi leave, instead trusting employees to work in a more agile, way. We understand, however, that there are certain areas of the council where agile working is not possible. In such service areas, employees can request permanent changes to their hours. The process for this can be found below.

Entitlement

Under the Employment Rights Act 1996, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly, provided they have worked for the Council for 26 weeks at the date the application is made.

Any eligible employee can apply to work flexibly for any reason.

The request for flexible working could be a change to hours, working times or place of work. This is a permanent change to an employee's terms and conditions, unless otherwise agreed (e.g. for a temporary or trial period). Therefore, employees do not have an automatic right to revert to their previous terms and conditions.

In order to qualify staff must:

- Have at least 26 weeks continuous service with Westminster City Council
- Have not made another application to work flexibly during the past 12 months

Where the manager rejects an application for flexible working, the employee has a right to appeal against the decision if they believe the request was not properly considered.

Manager's role

On receipt of a request for flexible working managers must:

- Confirm receipt of the request
- Ensure the form has been completed properly
- Carefully consider the request

Where a request for flexible working is agreed managers must:

- Advise the employee in writing within 14 calendar days
- Confirm changes to working arrangements with the employee
- Make any changes via SAP

Where more information is required when considering the request managers must:

- Meet the employee within 28 calendar days of receipt of the request
- Advise the employee in writing of the meeting and that they can be accompanied at the meeting by a trade union representative or colleague
- Use the meeting to discuss the request in more detail, including any anticipated impact on the section and possible solutions to concerns
- Advise the employee of the decision in writing within 14 calendar days of the meeting.

If the request is agreed, managers must:

- Advise the employee in writing within 14 calendar days
- Confirm the changes to working arrangements via SAP

If the request is not agreed managers must:

- Advise the employee of the outcome in writing within 14 calendar days with the reason it has been refused

The grounds for refusal must be based on one of the following:


- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee wishes to work
- Planned structural changes

If the employee appeals against the decision you should refer the case to your manager who will:

- Arrange to meet with the employee within 14 calendar days of receiving the appeal notice
- Advise the employee in writing of the meeting and that they can be accompanied at the meeting by a trade union representative or colleague
- Consider the request and the reason it was rejected
- Decide if the request was given proper consideration by the employees' line manager
- Confirm the decision in writing to the employee within 14 calendar days after the meeting

There is no further right of appeal against this decision.

Employee's role

Employees must submit a formal written application to request flexible work ( [Flexible Working Application Form.doc](#))