

FLEXIBLE WORKING REQUESTS - Guidance

1. Scope

This guidance applies to all council employees other than those in schools, who have local arrangements, (and excluding non-IT users as access to the Council's network is paramount in remote and home working arrangements.) It forms part of the Better Working Scheme, as summarised below.

| Better Working Scheme | |
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| Employment policies and guidance | Enabling policies |
| <ul style="list-style-type: none">• Better Working - Guiding principles• Hot-desking - Guidance• Home and remote working - Guidance• Flexible working requests - Guidance | <ul style="list-style-type: none">• Using systems and data policy• Health and Safety Handbook |

2. Introduction

By law, every employee has the statutory right to ask to work flexibly after 26 weeks employment service. An employee can only make a statutory request once in any 12 month period.

The Royal Borough of Kingston recognises the importance of work life balance and the positive effects flexible, remote or home working can play both in employees' well-being and in achieving organisational goals. As part of its Better Working drive, it encourages managers to actively support such flexible solutions wherever possible.

This guidance is designed to help staff in making a flexible/remote/home working request and managers in dealing with the request in a reasonable, consistent and fair manner.

In particular, it should be noted that flexible working may be a form of reasonable adjustment for employees with a disability. In such cases, the request should be considered alongside all related information, including any recommendation from Occupational Health.

In cases where the flexibility requested is needed as a matter of urgency to resolve an unexpected and temporary health or care situation, managers should use the dependency leave provisions and/or may agree to temporary flexible arrangements, to be reviewed once the emergency situation is resolved.

2. Employee – Submitting the request

A request for flexible, remote or home working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

Where an employee wishes to make such a request, they should use [RBK's Flexible/Remote/Home Working Request Form](#) to submit their application in writing to their manager, including the following:

- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
- What effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
- A statement that this is a statutory request, and if and when they have made a previous application for flexible working.

Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application and include any supporting information as appropriate.

3. Manager – Managing the request

Once they have received a written request, managers must consider it. If information is missing, they should not reject it but instead they should explain to the employee what additional or amended information he/she needs to provide and ask the employee to re-submit the request.

The line manager should arrange to talk with your employee as soon as possible after receiving their written request. It is always a good idea to document this conversation.

There may be circumstances in which the request can be agreed without a meeting, for example if the manager can see straight away that the employee's suggestion is easily workable or informal discussions have already taken place. However, they must not reject a request without holding a meeting.

Where a meeting is organised, the line manager should allow the employee to be accompanied by a work colleague for this meeting (and any appeal discussion that may follow) if they wish and the employee should be informed about this prior to the discussion (see [template letter 1](#)).

4. Manager – Discussing with employee

The meeting should take place in a private meeting room, to protect confidentiality as personal information is likely to be discussed.

The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the organisation.

When considering a request for homeworking, a number of additional practical considerations apply. Please refer to [Home and remote working – Guidance](#) for more information and guidance.

5. Considering the request

After the meeting, the manager should consider the request carefully, looking at the benefits of the requested changes in working conditions for the employee and for organisational needs, and weighing these against any adverse business impact of implementing the changes.

In considering the request, they must not discriminate unlawfully against the employee – for any additional guidance please contact the relevant HR business partner.

Once they have made a decision, the manager must inform the employee of that decision as soon as possible. This should be in writing, using the relevant [template letter 2](#), as this can help avoid any potential confusion on what was decided.

If employee's request is accepted, whether as made or with modifications, the manager should discuss with the employee how and when the changes might best be implemented. In particular:

- Where the request relates to regular or permanent home working, all arrangements, once agreed, should be confirmed in the [Permanent or regular home working agreement](#), which should be kept on the employee's personal file (with a copy given to the employee too). It is good practice to regularly review this agreement to ensure that its terms continue to be relevant. Please note that pay and benefits are not affected by the location of work.

- Where the request relates to a change in the number of hours worked, there will be a proportional change in pay, which will impact pension provision, annual leave, bank holidays, some allowances, sick pay and maternity pay which are pro rata to contracted hours.

In both cases, the manager is responsible for arranging for HR to issue contract variation documentation as necessary or for recording any relevant change in the HR and Payroll system, iTrent.

If the request is rejected, it must be for one of the following business reasons, as set out in the legislation:

- 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
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business

This will be stated in the letter sent to the employee to advise them.

5. Right to appeal

If the request is rejected, the employee is allowed to appeal the decision. They must do so in writing within 10 days of receiving notification of their manager's decision, outlining the grounds for their appeal.

They will be invited to a meeting by a more senior manager who will consider their appeal and decide on either upholding or rejecting the manager's decision. The employee may be accompanied to the meeting by a work colleague. After the meeting, the employee will be advised of this decision in writing and this decision is final. They may however submit another request after 12 months have lapsed.

6. Timeframes to deal with requests

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt. As a matter of good practice, every effort will be made to consider request as soon as possible and respond to the employee. Conversely, in some exceptional circumstances, it may be agreed with the employee to extend this period. They will also be extended automatically if the manager is off sick or away on annual leave any time during the 28 days immediately after the employee's application is submitted. In these cases, the process will begin 28 days after the original application date.

If a meeting to discuss the application has been arranged (including any appeal) and the employee fails to attend both this and a rearranged meeting without a good reason, the manager can consider the request withdrawn. In such cases, they must inform the employee accordingly (see [template letter 3](#)).