

EMPLOYER RESOURCES



HOW TO Navigate Flexible Working

OPTIONS TO OFFER AND LEGAL REQUIREMENTS



GET YOUR HEAD AROUND FLEX

All employees now have the legal right to request flexible working so it's time that everyone got up to speed with what this means for their company, their procedures and their workforce.

Flexible working is a way of working that suits an employee's needs, for example having flexible start and finish times, or working from home. There are a number of different types and models and employers need to be aware of them all. Any employee that has worked for a company for **more than 26 weeks** can make an application to work flexibly.

NOTE: Employers can refuse a flexible working application if there is good business reason for doing so.

WHAT MUST EMPLOYERS DO?

Employers must deal with all requests in a 'reasonable manner'.

- Assessing the advantages and disadvantages of the application
- Holding a meeting to discuss the request with the employee
- Offering an appeal process

It's key to get this process right, as otherwise your employee has the right to take their case to an employment tribunal.

For more details of how to manage the process reasonably please download the [ACAS Code of Practice](#)

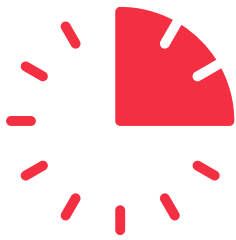


With over 30K people in our flexible working community, we are here not only to help businesses connect with the right talent but also to provide a support network for employees and employers alike. If you want to access our community, or are looking for help to reach the best of the best, please get in touch. katy@flexibleworkingpeople.com

TYPES OF FLEX

TIME'S HAVE CHANGED

There are many ways you're able to make flexible working possible, and the evidence is mounting to support the proven fact that flexible working increases employee satisfaction, retention and business profitability.



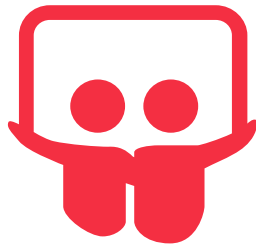
PART TIME



REMOTE WORKING



WORKING FROM HOME



JOB SHARE



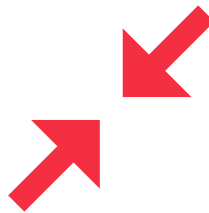
FLEXITIME



ANNUALISED HOURS



TERM TIME ONLY



COMPRESSED HOURS



ZERO HOURS CONTRACT

Phased retirement

Now that default retirement age has been phased out and older workers can choose when they want to retire they may wish to discuss phased retirement to simply reduce their hours and work part time.

UNDERSTANDING THE DIFFERENCES



PART TIME

When employees are contracted to work anything less than full-time hours



FLEXITIME / FULL TERM FLEX

Allows employees to choose, within certain set limits when to begin and end work



JOB SHARE

Two people do one job and split the hours. This is great option to bring back in experienced career returners.



TERM TIME

Where your employee is on a permanent contract but doesn't work during the school holidays



COMPRESSED HOURS

The central feature is reallocation of work into fewer and longer blocks during the week. Examples are 4½ day weeks and nine-day fortnights



ANNUALISED HOURS

The total number of hours to be worked over the year is fixed but there is variation in the length of the working day and week.



REMOTE WORKING

Employees work all or part of their working week at a location remote from their employees workplace and don't work from an external dedicated office space.



WORKING FROM HOME

Employees regularly spend time working from home e.g. one or two fixed days a week



ZERO HOURS CONTRACT

An individual has no guarantee of a minimum number of working hours, so they can be called upon as and when required and just paid for the work that they do.

THE APPLICATION PROCESS

Applying for flexible working

Employees can apply for flexible working if they've worked continuously for the same employer for the last 26 weeks. This is known as 'making a statutory application.'

The basic steps are:

- The employee writes to the employer* by email or letter (you may wish to ask them to complete a standard form for their request and can download one [here](#), create your own, or accept a letter that covers all requisite areas)

The application must include:

The date

A statement that this is a statutory request

Details of how the employee wants to work flexibly and when they want to start

An explanation of how they think flexible working might affect the business and how this could be dealt with, for example if they're not at work on certain days

A statement saying if and when they've made a previous application (note they may make one request per year)

- The employer considers the request and makes a decision within 3 months – or longer if agreed with the employee.
- If the employer agrees to the request, they must change the terms and conditions in the employee's contract.
- If the employer disagrees, they must write to the employee giving the business reasons for the refusal.
- The employee may be able to complain to an employment tribunal.

THE DECISION PROCESS

Employers must consider flexible working requests in a 'reasonable manner'.

A decision should be made within 3 months of the request (or longer if agreed with the employee).

Agreeing the application

The employer should write to the employee with:

- A statement of the agreed changes
- A start date for flexible working
- Communicate that their contract will be amended and supply a date by which this will be completed (no later than 28 days after request was approved)

Rejecting an application

The employer must tell the employee that they've rejected the application. Reasons for rejecting. Employers can reject an application for any of the following reasons:

- Extra costs that will damage the business
- The work cannot be reorganised among other staff
- People cannot be recruited to do the work
- Flexible working will affect quality and performance
- The business will not be able to meet customer demand
- There's a lack of work to do during the proposed working times
- The business is planning changes to the workforce

THE APPEALS PROCESS

Employees no longer have a statutory right to an appeal. However, offering an appeals process helps to demonstrate that the employer is handling requests in a 'reasonable manner'.

How to appeal

Companies should put an appeals process on place and the employee must follow the company's procedures for appealing. The process would fall under the same procedures the company would use for workplace disputes.

Going to an employment tribunal

Employees can complain to an employment tribunal if the employer:

- Did not handle the request in a 'reasonable manner'
- 'Wrongly' treated the employee's application as withdrawn
- Dismissed or treated an employee poorly because of their flexible working request, for example refused a promotion or pay rise
- Rejected an application based on incorrect facts

Employees cannot complain to a tribunal just because their flexible working request was rejected.

An employee should complain to the tribunal within 3 months of:

- Hearing their employer's decision
- Hearing their request was treated as withdrawn
- The date the employer should have responded to their request (but failed to do so)

If an employer or employee is unsure of their rights, they should get legal advice.

