

HUMAN RESOURCES PROCEDURE

THE RIGHT TO REQUEST TO WORK FLEXIBLY PROCEDURE

SCOPE

This procedure is applicable to all employees of Cheshire East except for school based staff. There are specific procedures for schools staff which can be accessed via the Schools Intranet Site (link below).

<http://www/Services/Corporate/Personnel/Education/CSPIIS/index.htm>

Cheshire East Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.

This procedure applies to all employees for the right to ask for changes to one or more of the following for any reason.

- The number of hours worked e.g. part time, term time only, job share
- The times of work e.g. changes to start and finish times
- The place of work e.g. home working etc

AIMS

To set out the statutory rights & responsibilities of employees who wish to apply for the right to request flexible working for all employees who have a minimum of 26 weeks service.

Eligibility

From 30th June 2014 the Law grants employees who have a minimum of 26 weeks continuous service the right to request flexible working for any reason and to have their request considered in a reasonable manner.

Employees who make a request to work flexibly before 30 June 2014 must do so under the previous right to request flexible working policy and procedure.

The employee must have not made another application to work flexibly under this right in the last 12 months.

The Process

Stage One

In order for an employees request to be valid it must be in writing (email is acceptable) and must stipulate

- The date of the application
- Whether the employee has made a previous application for flexible working and if so when
- The change they wish to apply for i.e. pattern of work
- The date of which the employee wants the change to take effect
- The effects that the employee envisages the changes requested will have on the employer and
- How such effects might be dealt with
- State that the application is being made under the statutory right to make a flexible working request.
- **Confirm the reason for the request (ACAS to confirm)**

NB any request that is not in writing and does not contain the required information above need not be dealt with under the statutory procedure. In order to ensure the employee fulfils the requirement it is recommended that they complete a [Flexible Working Application Form](#) and give this to their manager.

Stage Two

Requests are not automatically agreed, however, if the manager feels that the request can be implemented they will write to the employee as soon as possible confirming their agreement and the changes to working patterns.

The manager must then notify the Payroll provider - CoSocius of the changes via the [Change to Contractual Details form/ Managers dashboard](#).

All requests, including any appeals, must be considered and decided on within a period of **three months from first receipt**, unless an extension has been agreed with the with the employee.

If the manager feels the request needs further discussion they must arrange to meet with the employee to discuss the request and explore how it can be accommodated or discuss alternative solutions. This meeting should be held **within 15 working days** of the original request and the employee has the right to be accompanied by a work colleague or Trade Union representative.

Within **10 working days** of the meeting the manager will write to the employee to either confirm the new work pattern or start date or to provide them with a clear business and explanation as to the reason why the application cannot be accepted.

Whilst every effort should be made to agree a working pattern, there will be instances where this is not possible. In considering the request the manager will consider the following factors:

- Burden of additional costs to both the service and the individual
- Ability to meet customer demands
- Ability to reorganise work among existing staff
- Impact on quality and/or performance
- Ability to recruit additional staff
- Insufficiency of work during the period that the employee proposes to work
- Planned structural changes

Stage Three

If the employee is not happy with the decision they can appeal to the Head of Service. The appeal must be in writing and be submitted within 10 working days of receiving the letter of notification from their manager. The letter must set out the grounds of the appeal and be signed and dated.

A further meeting will be held within 10 working days of the appeal letter being received and will be held with the employee, work colleague/Trade Union representative and the Head of Service to discuss the request and the reasons for it being turned down by the manager..

The Head of Service will reconsider the application and make a decision which must be confirmed in writing within 10 working days of the meeting. If a flexible working pattern has been agreed the letter will confirm the new arrangement and start date. Where the request has been turned down the letter must provide a clear reason why the application cannot be agreed.

There is no other right of appeal.

Time Scales

All requests, including any appeals, must be considered and decided on within a period of **three months from first receipt**, unless an extension has been agreed with the with the manager, the employee and his/her representative. This agreement should be recorded in writing and a copy sent to the employee.

Changes to Terms & Conditions of Employment

Any changes made as a result of the right to request to work flexibly will be a permanent change to the employee's contract and therefore both manager

and employee should ensure they are happy and in agreement with the changes. However, all arrangements may be reviewed in the event that circumstances change. Changes to working patterns/hours will result in a change in salary and if the employee is in the pension scheme it will also affect their pension.

All changes to contractual details must be notified to Payroll, via the [Changes to Contractual Details form/ Managers Dashboard](#)

Trial Periods

It is possible to change working arrangements for a trial period during which the manager and the employee can assess the impact of the flexible working. This trial period should last at least 12 weeks. In order to do this, the employer and the employee must agree to extend the 10 day time period during which the manager would normally reach a decision about the flexible working request. In these circumstances the manager should write to the employee stating:

- that their agreement to the employee's request for flexible working is subject to the outcome of the trial period
- the length of the trial period, (i.e. the start and end dates)
- that the change to the employee's terms and conditions of employment during the trial period is for a temporary period
- the nature of the change to the employee's terms and conditions of employment
- the date that the employee will revert back to their previous terms and conditions of employment if the manager refuses their request for flexible working.

The working arrangements should be reviewed regularly during the trial period to assess the success of the change to the working pattern and/or address any problems that may have arisen.

EQUALITY

Cheshire East Council will ensure that, when implementing the Right to Request Flexible Working Procedure that no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the Procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary

MONITORING & REVIEW

This procedure will be reviewed in the light of operating experience and/or changes in legislation.

Useful Links:

- Paternity Policy
- Parental Leave Policy
- Flexible Working Policy
- Childcare Vouchers
- Adoption Policy
- Time off for dependants
- Annual Leave Policy
- New and Expectant Mothers at Work Policy

Prepared by: HR Policy and Strategy Team
Date : 8.2.11
Revisions and reasons: 12 May 2014 – Right to apply for all employees that have 26 weeks or more service regardless of reason.
Review Date: 01/06/2015