

Work-life balance: The right to flexible working

The right to request flexible working

There are many forms of flexible working. It can describe a place of work, for example homeworking, or a type of contract, such as a temporary contract. Other common variations include: part time working, flexitime, job sharing and shift work.

Previously the right only applied to the parents of children under 17 or 18 in the case of parents of disabled children or to those caring for an adult, but from 30 June 2014 any eligible employee can apply to work flexibly for any reason.



From 30 June 2014 every employee has the statutory right to request flexible working after 26 weeks employment service. Employers may consider requests from employees before 26 weeks of service as good practice.

Key points

- Requests should be in writing stating the date of the request and whether any previous application has been made and the date of that application
- Requests and appeals must be considered and decided upon within three months of the receipt of the request
- Employers must have a sound business reason for rejecting any request
- Employees can only make one request in any 12 month period

Making a request

Although employees with less than 26 weeks service do not have a statutory right to request flexible working, some employers may allow all staff to make a request.

To make a request for flexible working employees must:

- make their request in writing, state the date the request is made, the change to working conditions they are seeking, and the date they would like the change to take effect
- state whether they have made a previous application for flexible work and the date of that application
- what change to working conditions they are seeking and how they think this may affect the business e.g. cost saving to the business
- if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disabled employee.

Handling requests to work flexibly

Once a request has been received the employee should arrange a meeting to discuss the request, this should be done as soon as possible, this is not a statutory requirement but is good practice.

This meeting can provide an opportunity to see what changes the employee is asking for and reasons for the change, although the employee may not wish to say why it also allows any compromise to be explored. Although not a statutory requirement, it would be good practice to allow the employee to be accompanied at a meeting by a work colleague or trade union representative.

The law requires the process to be completed within three months of the request being received, this includes any appeals.

Any request that is accepted will make a permanent change to the employment contract, so if the employee wants a temporary change then an agreement may be reached together with any compromise if the original request can not be accommodated.

However, if the employer is willing to grant a request then a meeting may not be necessary. It still may be useful to discuss a request to ensure that the proposal made by the employee is the best solution for both employer and employee.

Employers should have considered requests in a reasonable manner and can only refuse them if there is a business reason for doing so, this reason must be from the following list:

- 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
- planned structural changes to the business

For further information visit

www.acas.org.uk

or

www.gov.uk