



Colchester  
City Council

# Right to Request Flexible Working Policy

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## **Right to Request Flexible Working**

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# **Right to Request Flexible Working**

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## **1. Introduction**

1.1 We believe that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing and improve performance and productivity.

This policy sets out our approach to flexible working requests under the statutory procedure.

1.2 Current UK legislation means that employees have the legal right to request to work in a flexible way, providing them with the opportunity to balance work and personal responsibilities whilst being compatible with, the operational needs of Council services.

1.3 Employees should however be aware that this legislation does not provide an **automatic** right to work flexibly as there will always be circumstances when the employer is unable to accommodate the employee's proposals. The right is designed to meet the needs of employees and employers. It aims to facilitate discussion and encourage both the employee and the employer to consider arrangements and to find a solution that suits them both. The employee has a responsibility to think carefully about their proposal when making an application and the employer is required to deal with the application in a reasonable manner.

## **2. Definitions**

2.1 The term "flexible working" for the purposes of this policy relates to an organisation's working arrangements in terms of working time, working location and the pattern of working.

2.2 This policy does not form part of the contract of employment and we reserve the right to amend or withdraw it at any time.

## **3. Eligibility**

3.1 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

3.2 All employees have the statutory right to request flexible working. Under the statutory procedure, employees can make two requests in every 12-month period. If they have submitted a flexible working request, they must wait until that one has been considered and any appeal has been dealt with, before submitting another.

## **4. Scope of a Request**

4.1 Employees are able to request:

- hybrid working, where staff split their time between attending the workplace and working remotely
- a change to the hours they work (e.g. part-time working, shifts etc)
- a change to the times when they are required to work (e.g. job sharing, term-time, compressed hours etc)
- to be included in the flexi-time scheme
- changes to the place where they work

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- the option to work from home
- special leave.

4.2 This covers working patterns such as annualised hours, flexitime, homeworking, job-sharing, shift working, staggered hours and term-time working. It should be noted that this is not an exhaustive list.

4.3 Applications for a change in working patterns will not always require a significant alteration. For example, a parent or carer may simply wish to start work half an hour later to take their child to school or the adult they are responsible for to an appointment and make up the time later in the day. Please also refer to the Carer's Leave Policy.

4.4 There is a range of ways in which an employee can work more flexibly and all suitable options should be discussed with their manager in order to agree an outcome that is most appropriate for both parties.

## **5. The Procedure**

### **5.1 The Request**

A request from an employee must be in writing and must include the following information:

- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect
- A statement that this is a statutory request and if and when they have made a previous application for flexible working and if they have made a previous request, when they made that application.

Managers should make clear to their employees what information they need to include in a written request to work flexibly.

What should managers do with a request?

- Once a written request has been received, it must be considered. The manager should arrange a consultation meeting to discuss the request within seven days of receiving their written request. However if this is not possible, the manager must inform the employee of the reason for the delay
- The manager should allow an employee to be accompanied by a work colleague or a trade union representative for this and any appeal discussion and the employee should be informed about this prior to the discussion.

### **5.2 Discussions with the employee**

Managers should discuss the request with their employee. This an opportunity for the employee to explain how the proposed working arrangements would benefit them and for the organisation to consider and discuss any alternative flexible working options that may be available and suitable for the employee and the organisation.

At the meeting, it is important for the employee to be as open as possible about their needs so that we are able to engage in a constructive discussion about what is feasible.

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The discussion should take place in a private place where what is said will not be overheard.

### **5.3 Consider the request**

Managers should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and the organisation and weighing these against any adverse business impact of implementing the changes, see paragraph below. In considering the request the manager must not discriminate unlawfully against the employee.

Each request will be considered on a case-by-case basis - agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

Once a manager has made their decision this must be informed to the employee in writing within seven days of the meeting including the decision and why. This can help avoid future confusion on what was decided.

If the manager accepts the employee's request, or accepts it with modifications, this should be discussed with the employee how and when the changes might best be implemented. The employee may wish to consider the flexible working arrangement for a trial period.

Any changes to the terms and conditions of employment, whether permanent or temporary, will be put in writing and sent to the employee as an amendment to their contract of employment. While the organisation is committed to encouraging flexible working patterns, there is a need to remain realistic. In some cases, it may not be possible to accommodate a request because of:

- 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 the business.

If a manager rejects the request they should first discuss this with HR who will help to put together a formal response. The employee is then allowed to appeal the decision. Before a letter is issued the manager should speak to the employee about their decision as this may reveal new information or an omission in following a reasonable procedure when considering the application.

### **5.4 Deal with requests promptly**

All requests, including any appeals, must be considered and decided on within a period of two months from first receipt, unless it is agreed to extend this period with the employee.

If the employee fails to attend, without good reason, both the first and second meeting to discuss their application, or both the first and second meeting to discuss their appeal, we will treat the application as withdrawn.

### **6. Appeals Process**

All staff have the right to appeal in writing against a decision to decline or only agreed in part a request for flexible working. Any written appeal should be received within seven days of receiving the decision. The appeal should set out the grounds on which they are appealing. Appeals will be heard by the respective Head of Service and the manager who has made their decision will present their reasons. The employee has the right to be accompanied by a representative who is either a work colleague or a Trade Union representative.

The appeal decision by the Head of Service will be communicated in writing to the member of staff who has made the appeal (the “appellant”) within seven days. The outcome of the appeal is final.

### **7. Guidance for Managers**

7.1 The best approach a manager can take when deciding whether or not to grant an employee’s request to work flexibly is to focus on the operational requirements of their service and objectively assess how flexible working could be accommodated rather than focusing on the employee’s personal circumstances.

7.2 There are a number of considerations that managers need to think about before making a decision. For instance:

Will the new arrangements have:

- a significant financial implication to the service?
- a detrimental effect on ability to meet customer expectations?
- a detrimental impact on the quality or performance of the service?

Will the manager be able to:

- reorganise work amongst existing staff?
- recruit any additional staff?
- allocate sufficient work during the periods the employee wishes to work?
- make any planned structural changes?

7.3 If the request is in relation to homeworking (see the Council’s separate homeworking policy), ensure a risk assessment of the proposed work area in the home is carried out before any decisions are made. The manager will also need to consider how they will maintain regular contact with the employee and manage and measure their performance.

**If you have any queries regarding your decision please discuss these with the HR Service Centre.**

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### Appendix and Document Information

The following policies and forms should also be read alongside this document:

| Policies                            | Forms   |
|-------------------------------------|---|
| Flexitime Policy                    | Flexible Working – right to request form                              |
| Flexible Working Options – Guidance | Visual Display Unit (VDU/DSE) information with Workstation Assessment |
| Home and Remote Working Policy      | Remote Working and Flex   |
| Risk Assessment                     | Employee terms and conditions   |
| Homeworking Policy                  |   |
| Job Share Policy and Guidelines     |   |
| Carer's Leave Policy                |   |

The policies and forms are shown on COLIN:

- [A-Z](#) – this link will take you to the "all in one place" page which has a short summary of the HR subject, what you need to do first, useful documents and links, and related items.
- [Staff Handbook](#).

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| <b>Title :</b>            | Right to Request Flexible Working Policy |
| <b>Date :</b>             | April 2024                               |
| <b>EQIA :</b>             | See HR EQIAs on the Council's website    |
| <b>Review Frequency :</b> | Every three years or if change occurs    |

For more information or advice about this policy please contact the HR Service Centre on 01206 282112 or email [hrservicecentre@colchester.gov.uk](mailto:hrservicecentre@colchester.gov.uk).