

FLEXIBLE WORKING POLICY

1. Policy statement

There may be occasions when you may wish to request flexible working arrangements for changed hours of work which are different from your current contract. These notes explain how you should proceed.

2. Scope

This policy applies to all paid employees with over 26 weeks consecutive service and is not restricted as in the past to those with children or who have an adult dependent.

3. Background

You should note that there is no obligation on the employer to agree automatically to a request for flexible working. Your right is to request flexible working, not to have it on demand. You can make only one request each year.

Flexible working requests are about changing someone's terms and conditions and will relate to the number of hours that someone works and/or the times that she/he work. So, for example, it could be to reduce your working hours from full time to part time or perhaps a job-share arrangement or work on different days of the week or be exempted from working on a particular day of the week.

4. Principles

ACAS has a code of practice that lays down the principles that employers should follow. Basically they should:

- 4.1.1. speak to you as soon as possible after receiving a request.
- 4.1.2. discuss your request directly with you in private
- 4.1.3. Allow you to be accompanied by a colleague (if you wish).
- 4.1.4. Inform you of the decision in writing as soon as possible;
- 4.1.5. If the request is to be granted, discuss when and how the changes might best be implemented directly with you
- 4.1.6. If your request is rejected, ensure that the rejection is for one of the business reasons permitted (below) and
- 4.1.7. If your request is rejected, allow you to appeal the decision.

5. Process

5.1.1. Informal discussion

Generally, it is best to have an informal discussion first with your manager and then put your request in writing (email is OK), dating

it, and showing the working arrangements that you want (e.g. exact details) the start date and what the effect there will be from your point of view of the change(s) on your work and how you think these can be dealt with.

For example, in wanting to reduce your hours of work what impact will this have on your job duties?

Your employer has a duty to handle your request in a "reasonable manner". There is no legal duty to agree automatically to it but the law provides a finite list of permitted business reasons for refusing requests.

5.1.2. Reasons to say 'No'.

The law covering requests for flexible working includes a list of business reasons that can be used as a justification for refusing a request. The list is exhaustive, although quite wide in scope. It is all right to say 'No'

- 5.1.2.1.1. if there would be a burden of additional costs
- 5.1.2.1.2. a detrimental effect on ability to meet the church's needs.
- 5.1.2.1.3. a detrimental impact on quality or performance of the work provided
- 5.1.2.1.4. an inability to reorganise work among existing staff;
- 5.1.2.1.5. an inability to recruit additional staff;
- 5.1.2.1.6. insufficiency of work during the periods you wish to work; and
- 5.1.2.1.7. any planned structural changes

Where a request is refused, the reason must be for one of the above reasons and given in writing. Managers are not entitled to invent their own reasons for refusing an employee's request for flexible working, however compelling they may think another reason might be! And there should always be concrete evidence to support the reason for a refusal to grant the request.

5.1.3. Trial periods

There is nothing to prevent you and your manager reaching an agreement that a trial period could be implemented to test out proposed working arrangements.

A trial period can be helpful for both parties, especially where there is some doubt as to whether a proposal will work out well. It can give both sides an opportunity to review how the arrangements work in practice and whether or not they are likely to create any practical difficulties.

At the end of any agreed trial period, another meeting should be held to review how the revised working pattern has worked out and whether or not to make the arrangement permanent. One advantage of agreeing to a trial period is that, if a request ultimately has to be refused, there will be some concrete evidence to back up an assertion that the pattern of working requested was not workable in practice. If a trial period is agreed, it's important to put in writing the arrangement and timescales and signed by you and your manager.

5.1.4. Communicating the decision

Where a request for flexible working is agreed, your manager should write to you specifying the agreed contract variation and the date on which it is to take effect. Where the request has to be rejected, you must be informed in writing, setting out the grounds on which the refusal is based.

5.1.5. Timescales

Your manager is required to notify you of the decision within three months of your written request.

5.1.6. Appeals

Although there is no legal requirement to allow you to appeal against a refusal to grant flexible working, it is good practice to for managers to permit appeals using a similar procedure as that of a Grievance.