

How To – Assessing Flexible Working Requests

The Council's agreed Flexible Working Framework entitles all employees to request to work flexibly. Employees may make two flexible working requests in any twelve month period.

Timescales

For requests made on or after 6 April 2024, Managers have a duty to consider and decide on requests reasonably and within a two month period.

This includes time for the outcome of any appeal where appropriate.

Process

- All requests must be assessed against the impact they will have on the delivery of the service, whether the service provided is directly to the public or to an internal customer/client.

- Things to think about:
 - Impact on the Service/Customers/Clients
 - Impact on Team Members/Colleagues
 - Finance and other costs (training, etc).
 - Potential benefits and opportunities for others (promotions etc)
 - How would the arrangement be managed and performance measured?
 - Does the request comply with HR policies

NB: For Hybrid Working or Home working requests, Managers should refer to the guidance on working styles in the Flexible Working Framework.

Where a role has already been agreed to be suitable for hybrid working then only the specifics of the hybrid working pattern need be discussed and agreed and a formal request may not be required.

- All requests must be considered seriously and only refused where one or more of the specified business grounds are justified.
 - Burden of additional costs
 - Detrimental effect on the ability to deliver services
 - Inability to reorganise work among existing staff
 - Inability to recruit additional staff
 - Detrimental impact on quality and/or performance of work
 - Insufficiency of work during the periods the employee proposes to work
 - Planned structural changes

See also, guidance on [Approving a Flexible Working Request](#) and [Refusing a Flexible Working Request](#).

Multiple Requests

Assessing requests from employees may become more complicated in cases where more than one employee requests to work flexibly within the same work group/section. If the Manager is having difficulty meeting the needs of both individuals, he/she should

- try to reach agreement with the employees as to a suitable compromise to enable both/all employees to have more flexibility than at present.
- have extra meetings and discussions to reach a compromise if necessary.
- As such cases can become complex, advice should be sought from Human Resources.
- Rather than assessing multiple requests at the same time, a Manager could prioritise the requests to be assessed. So long as requests have been properly assessed and refused because of objective business reasons, then this practice would be acceptable.

Thinking About the Wider Implications

When an application for flexible working from any employee is agreed, it may be necessary to fill the remainder of the post on a fixed term basis. Managers need to be aware of the implications of each request and have an understanding of the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

Ensuring a Fair and Consistent Approach

Fairness and consistency of application is a challenging aspect of flexible working. By its very nature, it is about individual needs and desires and finding solution to help individuals and teams of employees. In essence, “no one size fits all”.

Line Managers/Supervisors can achieve as much fairness and consistency as possible by adhering to the following:

- Be fair by using the agreed application and assessment process.
- Use the guidance and, where applicable, speak to Human Resources for clarification of interpretation.
- Question your own assumptions that a certain jobs cannot be part time, done from home etc
- Make employees aware of how to request to work flexibly and how they can address their own work life balance issues.
- Remember flexible working options and other support measures are not a right.
- Creating a climate where there is respect for each other’s differing needs.
- Responsibility for reviewing any new working arrangements lies with all parties and further changes may be required before the best solution is found.

Other Points to Consider

In order to move forward with new working practices and other work life arrangements, a process of consultation on all sides is essential. Working together, with the involvement of trade unions representatives also, will mean it is possible to reach win-win solutions for all.