

Flexible working request guidelines

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Document history

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1.0 Introduction and purpose

- 1.1 Here at Luton we want to support employees who want to work flexibly wherever we can. We are passionate about creating an inclusive culture that supports a good work-life balance, we care about your health and wellbeing and want to invest in an environment where everyone can thrive.
- 1.2 We believe that flexible working can increase motivation, enrich employee wellbeing, build better relationships, increase the rate of retention, reduce absence, attract new talent, promote work-life balance and reduce stress.
- 1.3 When considering a request for flexible working, we will consider your request with an open mind and do our best to balance your request against the needs of the service. We will only turn down a request for genuine business reasons.
- 1.4 There is already flexibility in many roles and teams, with many employees having access to the flexi and toil scheme, and also to a combination of home working and office/site work.
- 1.5 For small changes to your working patterns, such as starting and finishing a bit earlier, or where you just want a change for a short period, we might be able to agree something informally. For permanent or more significant changes we'll need to do things more formally and you will need to follow this process outlined in these guidelines.
- 1.6 Following this process ensures that all employees making such requests are treated fairly and equitably.
- 1.7 We have a separate agile working policy which sets out our approach to hybrid working. If we do not currently offer you hybrid working but you would like to request it, you should make a request under this policy (see also section 3.3).

2.0 Eligibility and scope

- 2.1 Anyone who works at Luton can make a flexible working request. It doesn't matter how long you've worked here or how many hours you work.
- 2.2 You can usually only make two formal requests in any 12 month period but if things change and you need to make a further request, talk to your manager and see what can be arranged.
- 2.2 You may request to work flexibly for any reason, e.g. reduction of hours for a better work life balance, change of working pattern to assist with caring responsibilities or even to help with the commute to work. Whatever the reason for your request the council will consider it reasonably.
- 2.3 You may make a flexible working request if you want to reduce your hours to part time, change your start and finish time, have flexibility over your start and finish time, work your hours over fewer days (compressed hours), or work from home or elsewhere. You can ask for a change to be for all working days, specific days or shifts only, specific weeks only, for example during school term time or for a limited time, for example 6 months only.
- 2.3 These guidelines do not apply to employees of schools on delegated budgets.

3.0 Before making a request

- 3.1 Some flexible working arrangement may have an impact on your pay and benefits, including your pension, and also on any state benefits or tax credits that you get. Contact your benefits provider (HMRC, DWP) and [Bedfordshire Pension Fund](#) to understand what could happen.
- 3.2 If you are thinking of making a request it might be helpful to chat to your colleagues and your manager first to help understand if there are going to be any issues with what you are looking to do, so you can think about ways around it or other options.
- 3.3 If your flexible working request includes working from home, you will be expected to comply with requirements around home working that are set out in the Agile Working Procedure, which you can access through your manager.

4.0 Employee request

- 4.1 If you wish to adopt a flexible working pattern, you need to put your request in writing to your line manager. This written request should be as comprehensive as possible, and should include the following:
 - the date of your application
 - the changes that you are seeking to your terms and conditions of employment
 - the date on which you would like the change/s to come into effect
 - a statement confirming you are making a statutory request and if and when you have made a previous application for flexible working
- 4.2 You will be asked to resubmit your request if it does not contain all the required information.
- 4.3 Although not compulsory, it would be helpful for the subsequent meeting with your line manager (see section 5.0) if you can give some forethought to how, in your opinion, the effects of the change could be dealt with within your service area.

5.0 Meeting to discuss a flexible working request

- 5.1 Once your line manager receives your request, it should be dealt with as soon as possible, but no later than the deadline set out below. Your line manager will usually arrange a meeting with you to deal with the request.
- 5.2 Where a request can, without further discussion, be approved in the terms stated in the written application, a meeting will not be necessary and your manager will advise you. A request to change your terms and conditions will be sent to HR and Payroll Transactions Team to action.
- 5.3 Where a meeting is required your line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to both you and the council, against any adverse impact of implementing the changes. 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 his/her working pattern.

6.0 Outcome of a flexible working request

6.1 You will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below (paragraph 10). Your request may be granted in full or in part: for example, your manager may propose a modified version of the request, the request may be granted on a temporary basis, or you may be asked to try the flexible working arrangement for a trial period. If your request is turned down we will make sure we clearly explain why and you will be given the right to appeal the decision.

7.0 Flexible working requests that are granted

7.1 If your request is approved, your line manager will discuss with you how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to you as an amendment to your written statement of particulars as soon as is reasonably practicable.

7.2 A trial period may be agreed; this should be properly documented by your line manager.

8.0 Trial periods

8.1 If your request is agreed for a trial period your manager must arrange suitably timed review meetings to discuss any issues that may arise. Any problems should be addressed at the time so that discussions can be held to try and resolve these prior to the end of the trial period. If the decision of your manager at the end of this period is to decline the request you will have the right to appeal and the appeal procedure should be followed.

9.0 Reasons for refusing a flexible working request

9.1 Managers should consider requests to work flexibly on the presumption that they should be approved. However, we need to remain realistic. In some cases it may not be possible for us to accommodate a request because of

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- an inability to recruit additional staff
- detrimental impact on quality
- have a detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

9.2 Where a request is refused, it will only be refused for one of the above reasons and will be explained as set out at section 6.1.

10.0 Timescales

10.1 All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal. Your line manager should hold the meeting within 21 days of

receiving the request and notify the decision to you within 7 days of the meeting, so that there is enough time for any appeal to be concluded. If you are dissatisfied with the outcome of your request you are allowed to lodge an appeal within seven days of the notification, with the appeal to be heard within 14 days wherever possible. You will be informed of the outcome of your appeal within seven days of the appeal meeting. These time limits may be extended where both you and the council are in agreement. For example, there may be agreement to extend the time limit to give you a trial period on the flexible working arrangements.

11.0 Appeal procedure

- 11.1 If you wish to appeal against the decision of your line manager to refuse your request for flexible working, this has to be sent to the Service Director of your department, in writing, setting out the grounds of appeal within seven calendar days after receipt of your line manager's decision.
- 11.2 The Service Director or their representative (usually a Service Manager) will hold a meeting with you within 14 days of receipt of your appeal letter. Within seven calendar days of the date of this meeting (unless agreed otherwise), the Service Director or their representative will notify you in writing that either:
- Your appeal has been upheld and the date that the contract variation is effective from
- Or**
- Your appeal has been dismissed, along with sufficient explanation as to why this decision has been reached.

12.0 Right to be accompanied

- 12.1 Although there is no statutory right to be accompanied, we are happy for you to be represented and/or accompanied by your trade union representative, or colleague of your choice, throughout the process. It is your responsibility to arrange your representation and if your representative is not available on the date arranged for the meeting, an alternative date must be arranged as a matter of urgency, taking into account the timescales referred to in section 10.0 and your representative's availability.

13.0 Withdrawal of an application

- 13.1 Your line manager will consider that you have voluntarily withdrawn your application for flexible working if:
- they have been notified by you either verbally or in writing that you are withdrawing the application
 - without reasonable cause, you fail to attend a meeting to discuss your application on more than one occasion

However in all cases your line manager will write and confirm the status of your application, unless you have provided written notification.

14.0 Data Protection

- 14.1 When managing your flexible working request, we process personal data collected in accordance with our Data Protection Policy, which you can access through your manager. Data collected from the point at which we receive a flexible working request is held securely and is accessed by, and disclosed to, individuals only for the purposes of managing the request for flexible working.

15.0 Further information and advice

- 15.1 Further information and advice on this policy and its application can be obtained from HR and Payroll Transactions team on 01582 546615 in the first instance.