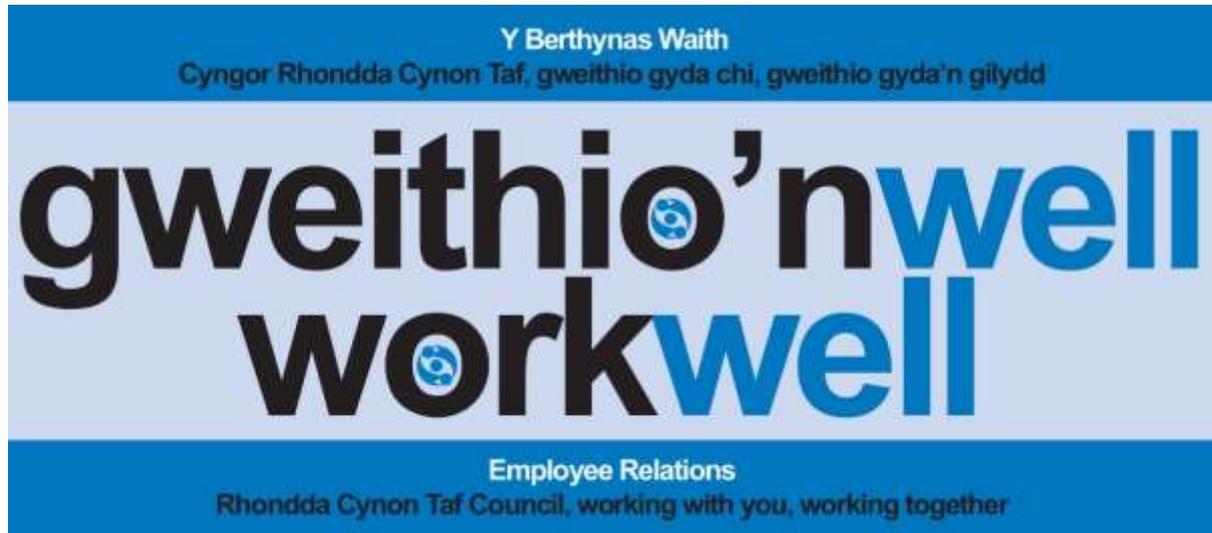


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Right to Request Flexible Working **Scheme**

This document is available in Welsh please see Cynllun Hawl i Wneud Cais i Weithio'n Hyblyg



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This document is available in Welsh or English and other formats are available on request

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1. INTRODUCTION

1.1 This policy relates to eligible employees who have the right to request a flexible working pattern (it does not provide an automatic right to work flexibly). It places a duty on the Council to consider the requests seriously.

The right to request to work flexibly applies to all employees after 26 weeks continuous employment.

1.2 In drawing up the scheme, the Council recognises that the scheme:

- i) Contributes to mainstreaming equalities
- ii) Ensures consistent application of the right to request flexible working across the Council
- iii) Removes the potential for perceived discrimination
- iv) Fulfils the requirements of the legislation

2. ELIGIBILITY

2.1 The Right to Request Flexible Working Scheme is available to all employees of the Council.

2.2 Employees must have worked for the Council continuously for 26 weeks at the date the application is made.

2.3 Agency workers **are not eligible** under the scheme.

Applications

2.4 One application a year can be made under the right to request flexible working. Each year runs from the date when the application was made. Application forms are available in Welsh or English.

Successful Applications

2.5 Successful applications will be treated as a **permanent** change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has **no right to revert back to the previous working pattern**.

2.6 Successful applicants will remain on current terms and conditions until the date agreed for the commencement of the change.

Unsuccessful Applications

2.7 An application can be refused only where there is a clear business reason. The business ground(s) for refusing an application must be from one or more of those listed below:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Trial Periods

2.8 If the appropriate officer (for the purpose of this policy an appropriate officer is an officer within the service area on GR15 or above up to Service Director level) is uncertain about the impact that a request for flexible working will have on the service, they in conjunction with a Human Resources representative, may allow the employee to work under the requested flexible working arrangement on a reasonable 'trial period' to determine if the arrangement would have an adverse effect on the service.

2.9 If a trial period is agreed the following should be clearly spelt out:

- That the agreement to the employee's request for flexible working is subject to the outcome of the trial period
- The length of the trial period, to include starting and finishing dates
- That the change is a **temporary change** for the trial period only
- The details of the change agreed for trial. For example reduced working hours
- The date that the employee will revert back to their previous terms and conditions if it is determined that the change is not working.
N.B. this decision must be for a business reason as identified in point 2.7

3. THE PROCEDURE

Employee's language choice needs to be respected during this process. This includes any written correspondence. If an employee wishes for the meeting to be conducted in Welsh they should give 5 days notice prior to the hearing, absence of any notification will result in the meeting being conducted in English.

3.1 The procedure and time limits are set out below:

- Applications must be made in writing on the Request for Flexible Working Application Form (Form FW1) and forwarded to the appropriate officer **as identified in 2.8**
- Applications will be acknowledged in writing confirming the date of receipt.
- The appropriate officer will arrange a meeting with the employee to discuss the application within 28 days of receipt.
- An employee has the right to be accompanied at the meeting by a work colleague or trade union representative. The representative has the right to address the meeting or confer with the employee during it but is not allowed to answer questions on the employee's behalf
- The appropriate officer will inform the employee of the decision in writing within 14 days of the meeting using either the Flexible Working Application Acceptance (Form FW2) or Rejection Form (Form FW3) depending on the decision made
- In the case of a successful application the appropriate officer and employee will consider the arrangements to be made for the change in working pattern
- If the application is rejected the employee has the right of appeal. An appeal must be made in writing on the Flexible Working Appeal Form (Form FW4) and must be registered within 14 days of receipt of the decision
- An appeal meeting must be held within 14 days of receipt of the Flexible Working Appeal Form (Form FW4)
- The appeal meeting will be held by an Officer at Group Director or Service Director level and a representative from Human Resources in an advisory capacity.
- An employee has the right to be accompanied at the meeting by a work colleague or trade union representative. The representative has the right to address the meeting or confer with the employee during it but is not allowed to answer questions on the employee's behalf
- The employee will be informed of the appeal decision in writing within 14 days of the meeting on the Flexible Working Appeal Reply Form (Form FW5)

3.2 Extension of Time Limits

There are two circumstances where time limits can be extended.

- Time limits may be extended through agreement of the employer and employee

Requests for an extension must be made in writing on the Flexible Working Extension of Time Limit form (Form FW6).

- Where an application is sent to the appropriate officer who will deal with the application and the appropriate officer is absent from work due to leave or illness, an automatic extension applies. The period that the employer has to arrange the meeting will commence either on the day of the appropriate officer's return or 28 days after the application is made whichever is the soonest

There are no other circumstances where an automatic extension to any period applies.

3.3 Withdrawal of Application

There are three reasons why an application may be treated as withdrawn

- An employee decides to withdraw their application and must do so in writing on the Flexible Working Notice of Withdrawal Form (Form FW7). The appropriate officer will confirm in writing the withdrawal of the application

An employee who withdraws their application will not be eligible to make another application for 12 months from the date their application was made.

- If an employee fails to attend two meetings without reasonable cause, the appropriate officer may treat the application as withdrawn
- If an employee unreasonably refuses to provide the appropriate officer with the required information to enable them to make an informed decision then the appropriate officer can treat the application as withdrawn

4. **FURTHER INFORMATION**

Further information, copies of appropriate forms and guidance can be obtained from Human Resources Tŷ Elai, Dinas Isaf East, Williamstown, Tonypandy, CF40 1NY.