

Your right to flexible working

Flexible working can allow you to manage both your work and caring responsibilities.

The right to request flexible working has now been extended from some carers and parents to cover all employees with 26 weeks service or more. The request can cover changing hours, times or places of work.

Some employers provide better rights to flexible working than the basic rights outlined in this guidance so it's a good idea to check your contract of employment as it may provide you with better entitlement.

Note: Requests for flexible working made before 30 June 2014 will be dealt with under the previous rules.

Examples of flexible working

Flexi-time

Employees may be required to work within set times but outside of these 'core hours' have some flexibility in how they work their hours.

Home working or teleworking

Teleworking is where employees spend part or all of their working week away from the workplace. Homeworking is just one of the types of teleworking.

Job sharing

Usually two employees share the work normally done by one person.

Part-time working

Employees might work shorter days or fewer days in a week.

Term-time working

Employees don't work during school holidays and either take paid or unpaid leave or their salary is calculated pro-rata over the whole year.

Shift-swapping or self-rostering

Employees agree shifts among themselves and negotiate with colleagues when they need time off with the process being overseen by managers.

Staggered hours

Employees have various starting and finishing times meaning that goods and services are available outside traditional working hours.

Compressed hours

Employees work their total hours over fewer working days e.g. a ten day fortnight is compressed into a nine day fortnight.

Annualised hours

Employees' hours are calculated over a whole year and then split into 'fixed shifts' and 'reserve shifts' which can be agreed on a more flexible basis.

Who has the right to request flexible working?

You have the right to request flexible working if you are an employee with 26 weeks continuous employment at the time you make an application. You have the right not to be badly treated, treated less favourably or dismissed because you have made the request.

How do I make a request?

The law gives you the right to make one application a year for flexible working so it is important that you put forward the best case you can. However, your employer may be sympathetic if you find your circumstances have changed and you need to make a further application. The request to work flexibly must be made in writing, dated and include:

- an outline of the working pattern you would like
- an explanation of the effect, if any, you think the proposed change might have on your job and, how you think this could be dealt with. You should think about how the proposed change could meet the needs your employer
- the date on which you would like the proposed change to start
- a statement that it is a flexible working request
- whether you have made any previous requests, and if so the date of that request

You are not required to give reasons why you are making the request, but it may help your application if you give as much information as possible. Nor do you have to provide proof of your circumstances, ie that you are a carer, but again the more details you can give the better your chances of success may be.

Your employer may have a standard form for you to use or you could download our booklet *A guide to the right to request flexible working*, which contains an application form and a section called *Guidance for employers*, which we suggest you give to your employer as part of your application. You can download this booklet by clicking the *Download* button at the top of this page.

The [Acas](#) Code of Practice recommends that an employee should be allowed to be accompanied to meetings to discuss flexible working requests.

It is worth thinking about whether a trial period might help. This gives both you and your employer an opportunity – without commitment and a permanent change to your contract – to test out the suggested working pattern to see what impact it has on both you and the organisation.

When can I make a request?

You can make a request at any time as long as you have been employed continuously for 26 weeks. It is best to make the request as soon as possible, your employer has up to 3 months to make a decision.

Your employer can treat your request as withdrawn if you fail to attend, without good reason, two consecutive meetings to discuss the request for flexible working. Your employer must inform you of their decision to withdraw your application. It's therefore important that you inform your employer as soon as possible if and why you are not able to attend the meeting.

Can my employer refuse my request?

Your employer has a duty to deal with your request as soon as possible, within a reasonable time, in a reasonable manner, and must give careful consideration to your request. Your employer can only refuse your request if they have good business reasons for it and this should be explained in writing, including relevant and accurate facts.

The business reasons for refusing a request are:

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

Your employer must consider and make a decision on your request within three months of receiving it from you, unless you agree to an extension.

What can I do if my employer refuses my request?

Some employers will have an internal appeals procedure, although there is no legal requirement for them to do so. The [Acas](#) Code of Practice recommends that an employee should be allowed to appeal against a negative decision, and be accompanied by a work colleague or union representative at an appeal meeting.

If you are allowed to appeal and decide to go ahead, this must be considered and decided upon within the three month time limit, unless an extension has been agreed.

You can make a complaint to an employment tribunal if your request is not accepted and any of the following apply:

- the employer's reasons for refusing the request are not allowed, ie they are not one of the specified business reasons
- the employer wrongly treats the request as withdrawn or the employer's decision is not made in time
- the employers decision is based on a mistake as to some of the facts

You may also wish to put in a grievance against your employer.

You do have to bear in mind that there is no legal right to flexible working, only to make a request. If you are considering putting in a grievance or making a complaint to a tribunal you should get specialist advice first.

Equalities legislation provides protection from discrimination for people with certain characteristics, for example disability. Some carers may be able to use equalities legislation to help them get flexible working. This is a complicated area of law and specialist advice should be sought.

(Source: <http://www.carersuk.org/help-and-advice/work-and-career/your-right-to-flexible-working#sec1>)

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