



HOW TO APPLY FOR FLEXIBLE WORKING

PROCESSES, STRATEGIES AND WHAT YOU
NEED TO KNOW TO MAKE A SUCCESSFUL
APPLICATION



GET YOUR HEAD AROUND FLEX

All employees have the legal right to request flexible working.

This guide will help you get up to speed with the options and processes you need to go through to apply for flexible working within an existing role, as well as tips and strategies to ensure your request is successful.

WHAT IS FLEXIBLE WORKING?

Flexible working is any change to your work pattern, for example having flexible start and finish times, or working from home. There are a number of different types and models and if you've worked for a company for **more than 26 weeks** you have a legal right to make an application to work flexibly if that is what you choose.

WHAT ARE THE BASIC STEPS?

You will need to make your application in writing and your employers must deal with your requests in a 'reasonable manner'.

- Assessing the advantages and disadvantages of the application
- Holding a meeting to discuss the request
- Offering you an appeal process

Make sure you know your rights, what your company's specific processes are (if any) and note that your contract will need to change accordingly if your request is accepted.

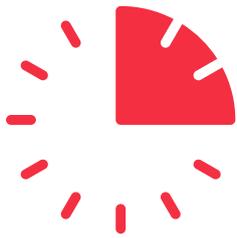


With over 30K people in our flexible working community, we help businesses connect with the right talent and also provide a support network for employees. If you are looking for a new role in the flexible working space, please do join our [FB Group](#) where many roles and opportunities are listed for our members.

TYPES OF FLEX

TIME'S HAVE CHANGED

There are many ways you're able to work flexibly, possibly many more ways that you even realised. Here are the most common options:



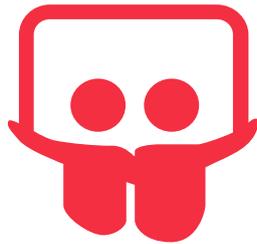
PART TIME



REMOTE WORKING



WORKING FROM HOME



JOB SHARE



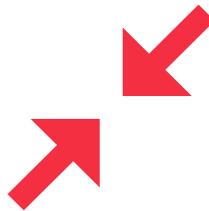
FLEXITIME



ANNUALISED HOURS



TERM TIME ONLY



COMPRESSED HOURS



ZERO HOURS CONTRACT

Phased retirement

Now that default retirement age has been phased out, older workers can choose when they want to retire and are able to discuss phased retirement to simply reduce their hours and work part time.

UNDERSTANDING THE DIFFERENCES



PART TIME

Where employees are contracted to work anything less than full-time hours



FLEXITIME / FULL TERM FLEX

Allows you to choose, within certain set limits, when to start and finish work



JOB SHARE

Two people do one job and split the hours. This is great option for a career returner.



TERM TIME

Where you're on a permanent contract but don't work during the school holidays



COMPRESSED HOURS

The central feature is reallocation of work into fewer and longer blocks during the week. Examples are 4½ day weeks and nine-day fortnights



ANNUALISED HOURS

The total number of hours to be worked over the year is fixed but there is variation in the length of the working day and week.



REMOTE WORKING

Working all or part of your working week at a location remote from your employers workplace and not in an external dedicated office space.



WORKING FROM HOME

Regularly spending time working from home e.g. one or two fixed days a week



ZERO HOURS CONTRACT

In these roles you have no guarantee of a minimum number of working hours, can be called upon as and when required and just paid for the work completed.

THE APPLICATION PROCESS

Applying for flexible working

Employees can apply for flexible working if they've worked continuously for the same employer for the last 26 weeks. This is known as 'making a statutory application.'

The basic steps are:

- You will be required to write to your employer by email or letter (check if there is a standard application form for the company)
The application must include:
 - The date
 - A statement that this is a statutory request
 - Details of how you want to work flexibly and when you want to start
 - An explanation of how you think flexible working might affect the business and how this could be dealt with, for example if you're not at work on certain days
 - A statement saying if and when you've made a previous application (note you may make one request per year)
- The employer will need to consider your request and make a decision within 3 months – or longer if agreed with you.
- If the employer agrees to your request, they must change the terms and conditions in your contract within 28 days of agreement.
- If the employer disagrees, they must provide the business reasons for the refusal in writing.
- You may be able to complain to an employment tribunal.

Employers must consider your flexible working requests in a 'reasonable manner'.



THE DECISION PROCESS

Employers must consider your flexible working requests in a 'reasonable manner'.

Agreeing the application

Your employer should write to you with:

A statement of the agreed changes

A start date for flexible working

Communicate that your contract will be amended and supply a date by which this will be completed (no later than 28 days after request was approved)

Rejecting an application

Your employer must tell you that they've rejected the application.

Employers can reject an application for any of the following reasons:

- Extra costs that will damage the business
- The work cannot be reorganised among other staff
- People cannot be recruited to do the work
- Flexible working will affect quality and performance
- The business will not be able to meet customer demand
- There's a lack of work to do during the proposed working times
- The business is planning changes to the workforce

NOTE: Employers can refuse a flexible working application if there is good business reason for doing so so ensure you have assessed your role and request from all angles.

THE APPEALS PROCESS

Employees no longer have a statutory right to an appeal. However, many companies will offer an appeals process helps to demonstrate that they are handling requests in a 'reasonable manner'.

How to appeal

Find out what the standard appeals process would be for your company for 'workplace disputes'. If this is not an option or you feel you'd prefer it to be handled externally you can go down the route of using an employment tribunal.

Going to an employment tribunal

You can complain to an employment tribunal if your employer:

- Did not handle the request in a 'reasonable manner'
- 'Wrongly' treated your application as withdrawn
- Dismissed or treated you poorly because of your flexible working request, for example refused a promotion or pay rise
- Rejected an application based on incorrect facts

You cannot complain to a tribunal just because your flexible working request was rejected.

You should complain to the tribunal within 3 months of:

- Hearing your employer's decision
- Hearing your request was treated as withdrawn
- The date the employer should have responded to their request (but failed to do so)

if you are unsure of their rights, you should seek legal advice.



TIPS AND STRATEGIES

The reasons a business has for rejecting a flexible application are broad, so how you position your request is key to it being accepted. Here are some tips and strategies to help you succeed when making your flexible working request.

START WITH A CHAT

Start with an informal conversation before you make your written request to test the ground and see what your employer might find problematic.

PUT YOURSELF IN YOUR EMPLOYERS SHOES

An effective flexible working request is one which persuades your employer it's a good idea. Consider it from their perspective - what benefits will they get out of the change? Think about what issues they might have and be prepared to propose solutions for how it might work.

GATHER EVIDENCE

Find evidence or information on other people who do a similar job to yours on a flexible basis to support your request.

BE EXPLICIT ABOUT WHAT YOU WANT

State your preferred hours and days of work. You can propose multiple alternatives or state you are open to adjustments. Remember to say when you want it to begin.

EXPLAIN YOUR REASONS

It's not a legal requirement to explain why you might want to change your work pattern but it might be helpful in persuading your employer to agree to the request. If you are a woman with childcare responsibilities or have a disability then it can help to state these reasons, as your employer may realise that it would be discriminatory to refuse your request.

EMPHASISE YOUR CONTINUED COMMITMENT

If possible suggest ways in which you might be able to undertake additional or different hours if an emergency arises.

SUGGEST A TRIAL PERIOD

It can help to propose a trial period to see how it works. Remember, your employer might ask you to go back to your normal work pattern at the end of your trial.