

## **FLEXIBLE WORKING**

Issue Date: 05.04.2023

### **PURPOSE**

All employees have the statutory right to request that flexible working.

The right to request flexible working is intended for employees to achieve a more balanced work and personal life.

This policy is intended to set out the procedures employees need to follow to request a change to their working conditions under the statutory right in the Employment Rights Act 1996 to request flexible working.

### **SCOPE**

Every employee has the statutory right to ask to work flexibly after 26 weeks of employment with the Company.

It is not an automatic right as there will always be circumstances when ELATT is unable to accommodate the employee's desired work pattern.

It is important for all employees to understand that an accepted application is a permanent contract variation. The agreed terms will become part of your contract of employment and cannot be changed until both parties agree otherwise. Therefore before making such a request please ensure you have carefully considered your application.

### **ENTITLEMENT**

Employees can only make one request in any 12 month period. Employees will be able to request:

- A change in the hours they work
- A change to the times when they work
- A change to the place they work (e.g work from home)
- Such changes might incorporate working patterns such as part time working, flexi-time, staggered hours, compressed working hours, job sharing, shift swapping, self rostering, time off in lieu, term time working, annual hours, zero-hours working and home working.
- Equally, changes may be minimal, for example, starting one hour later and making up the time elsewhere in the day



## **MAKING A REQUEST FOR FLEXIBLE WORKING**

The following steps outline the procedure for making a request for flexible working arrangements.

### **Step 1**

Applications should be made in writing to your line manager and must include the following:

- The date of your application
- An outline of your current working conditions
- The change to working conditions you are seeking and the reasons why
- When you would like the change to come into effect
- What effect, if any, you think the requested change would have on the business and how in your opinion any such effect might be dealt with
- A statement that this is a statutory request and if and when you have made a previous application for flexible working

### **Step 2**

You will be invited to attend a meeting within 28 days after the receipt of your application, unless your application is approved in writing before this date.

The aim of the meeting is to explore the suggested work pattern and to discuss how best it might be accommodated. It may be necessary to consider other alternative working patterns should there be a problem accommodating the work arrangements on your application.

If you cannot attend the meeting at the date and time suggested this date will be deferred to a convenient date and time, however this must be within seven days of the original date.

You have a right to request to be accompanied by a fellow employee during this meeting, who you can confer with throughout; however, you are expected to answer for yourself at all times.

### **Step 3**

You will be informed of the outcome within 14 days of the meeting. It should be noted that only one application per year is permitted and any agreed change constitutes a permanent change to the employee's Main Terms and Conditions of Employment.

If your application is accepted your notification will be in writing and will detail the contract changes that will be made and the effective date of these changes.

If your application is unsuccessful you will be notified in writing of the reasons for the rejection including a sufficient explanation and the details of the appeals procedure will be outlined for you.

## **REASONS FOR REFUSAL**

ELATT can refuse a request for “business reasons” which might include the following:

- additional burden of cost;
- detrimental effect on the employer’s ability to meet customer demand;
- inability to re-organise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes.

## **APPEALING AGAINST AN EMPLOYER’S REFUSAL**

### **Step 1**

Once notified in writing, the employee will have the opportunity to appeal against any refusal to accommodate the request. This appeal must be made in writing with reasons for the appeal, within 14 days of receipt of notification. The appeal meeting must be held within a further 14 days and a response provided in writing within another further 14 days. The periods of response can be extended by mutual agreement between the employer and employee and must take into account any sickness absence, periods of annual leave etc which may occur at the time.

### **Step 2**

Within 14 days of receiving your appeal, an appeal meeting date will be set. If you cannot attend the meeting at the date and time suggested the date will be deferred to a convenient date and time, however this must be within seven days of the original date.

### **Step 3**

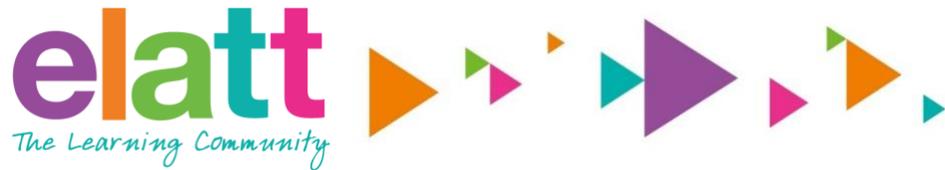
You will be notified of the outcome of the appeal meeting within 14 days. This notification will be in writing, will be dated and will either outline your new terms and conditions with the date they become effective, or will sufficiently explain the grounds for the decision to reject your application.

## **WITHDRAWING AN APPLICATION**

You should inform the Company in writing if you wish to withdraw your application.

ELATT will treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason, e.g. sickness. ELATT will inform the employee that they are treating the request as withdrawn.

An employee may withdraw a request at any time in writing. However, should this be done then a further application cannot be made for 12 months from the date of the original application.



## **CHANGING THE TERMS AND CONDITIONS OF EMPLOYMENT**

Any new arrangement must be reflected as a permanent change in the employee's Main Terms and Conditions of Employment. A trial period can be incorporated as can a formal review of the arrangements within that trial period.