

Flexible Working requests, a flow chart of the procedures

Back in June 2014, the right to request flexible working was extended to all employees who have worked for 6 months for their employer. Since that date, employers have been legally bound to consider flexible working requests from employees, and to give a decision within 3 months of the request. Note, the right to request flexible working is not yet extended to workers.

Read more on the [Flexible Working Laws & what to do when faced with a Flexible Working Request](#).

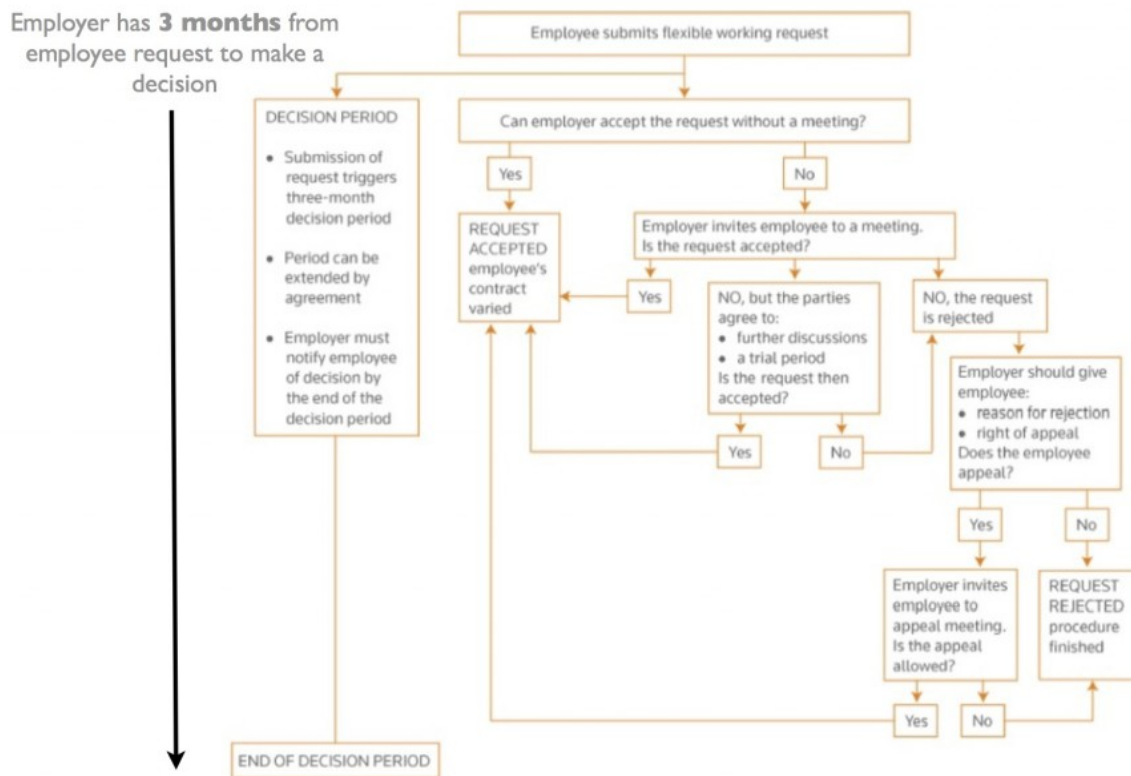
Employers have a duty to consider requests “in a reasonable manner”.

The obvious approach for employers is to sit down with the employee and discuss/agree a workable solution.

There is a new procedure to follow, as well as 2 Acas documents: a brief Acas Code and a longer [Acas Guide](#) to handling flexible working requests, and what the “reasonable manner” means in practice.

Below is a flow chart showing the procedure for handling a flexible working request. It’s a simple principle made more complicated by complex regulations which busy HR Directors and employers need to follow and understand. Click on the image to enlarge it.

Flexible Working requests - flow chart of the new procedure



Be prepared to handle flexible working requests

It makes good sense for Employers and HR Directors to prepare for a significant increase in flexible working requests, for handling multiple requests coming in at the same time, and for the administrative challenges of running teams with differing working patterns.

1. Update handbooks with new Flexible Working Policy

If your company has an existing flexible working policy, it will be out of date after 30th June 2014 and will need to be updated to reflect the new laws and procedures.

If not, take advantage of this opportunity to think about flexible working and to create a policy that works for your business and your workforce. You can use trial periods to test and measure the effect, and refine the policy to make it work for the business. Companies with policies in place are able to show they are complying with the new laws and regulations, to demonstrate this to employees and prospective candidates, and to benefit from the resulting productivity gains and attractiveness/stickiness as an employer.

2. Template letters responding to a request for flexible working

Employers are also now required to tell employees how to apply for flexible working. There is more administration involved for the busy HR Director, we suggest saving template request letters, and response letters from the company, into your files, so you have them to hand.

3. Best practice for handling requests for flexible working

As more employees request, and are granted, flexible working going forward, it will become more challenging for companies to be consistent in their responses to requests. Companies will also need to minimize the disruption of managing multiple requests at once, and of managing the increased administration involved in running a workforce where more employees are on flexible working agreements than ever before.

Take an example from a recent PLC client, whose 5 strong administration team all requested, and were granted, flexible working. The company didn't plan sufficiently, and the now fractured team is unable to deliver the administration service that the company needs. As a result, the head office is considering moving the administration function to another part of the country, making the whole administration department redundant.

Flexible Working Toolkit: policy + templates + legal guidance



With this in mind, we've put together a Flexible Working Toolkit to enable busy Employers and HR Directors to comply easily with the new rules, manage and administer the new procedures with maximum benefit and minimum disruption.

The toolkit includes:

- a flexible working policy, a new one / updated version,
- *plus* all required template letters
- *plus* a 30 minutes consultation (by phone, email, Skype) with one of our lawyers to help you tailor the policy to the business.

All for £299+VAT. For details, and for more in-depth advice on creating a flexible working policy for your company, please contact The Legal Partners on 0203 755 5288 or by email Richard.mullett@thelegalpartners.com

A final word about the rights of working parents.

Its fair to suggest from the [Acas short guide to flexible working requests](#), that Acas expects the majority of flexible working requests will still be related to childcare, and workers returning from maternity leave. Below is a table showing the rights of working parents, taken from this Acas short guide to flexible working requests so you know what rights ACAS is highlighting to employees.

Rights of working parents, Acas short guide to flexible working

| Babies due on or after 1 April 2007 | |
|--|--|
| Ordinary Maternity Leave (OML) and | 26 weeks OML. |
| Additional Maternity Leave (ADM) | 26 weeks AML. All women are entitled to one year's maternity leave in total. |
| Notice of early return | A woman must give eight weeks notice before returning early from OML or AML. |
| Changing an early return date | Eight weeks notice required before the new date. |
| Working during maternity leave – 'keeping in touch' days | A woman can do up to 10 days' work during her maternity leave without losing any SMP. The employer and employee should agree on payment for time worked. |
| Reasonable contact | Employer and employee are allowed reasonable contact during maternity leave – this does not constitute work. An employee should be kept informed about workplace issues – such as job vacancies and training opportunities. |
| Statutory maternity pay (SMP) | 39 weeks' SMP – six weeks paid at 90% of average weekly earning and 33 weeks at a flat rate (£128.73 a week from April 2011 – reviewed annually). A woman can start to receive SMP on any day of the week. |
| Maternity allowance (MA) | 39 weeks' MA payable by Jobcentre Plus. |
| Statutory adoption pay (SAP) and Adoption leave (SAL) | 39 weeks' SAP the rights that apply to maternity leave – in terms of notice of return to work early, keeping in touch days, and reasonable contact – also apply to adoption leave (see above). |

Useful links: [Right to request Flexible Working](#) | [Advice and Guides](#) | [Acas](#)