

## **Flexible Working**

An Employee of 26 week's service has a right to request flexible working arrangements if he or she has parental responsibility for a child under the age of 6 (under 18 if the child is disabled).

Note that the right is to request flexible working arrangements; it is not a right to have such arrangements. Nevertheless, employers have to treat the request seriously and much administrative time can be taken up in dealing with such requests.

There are certain procedures for the Employee to follow in order to make a formal request under the legislation and the Employer must meet within 28 days of a valid request. The Employer then has a further 14 days in which to agree, or refuse the request, or detail any compromise agreed at the meeting.

There are a number of reasons that the Employer can use for rejecting the request and these are fairly wide ranging. But in order to be fair, the Employer must set up an appeal procedure and the Employee has a right to be accompanied at meetings.

If a re-arrangement of hours is agreed, that makes a permanent change to the Employee's contract terms. It is not open to the Employee to revert unilaterally to the old arrangement. However, the Employee is entitled to submit one application per year to the Employer and so could then suggest a variation to his or her working hours, which would have the effect of reverting to the original arrangement.

As far as the Employer is concerned, he may well find that every time he grants a request, he is in fact changing the context against which he can consider the next request from the next Employee.

Indeed, he might find that earlier requests make it more difficult to grant later requests. Each request must be given serious consideration and therefore it is not possible to have a blanket policy on these matters.

The Employer will need to be able to demonstrate that he has treated the request seriously and this will mean showing what consultation he has entered into with senior managers, what circumstances he took into account, the weight he gave to them and his reasons for his final decision. There will need to be a file evidencing the Employer's deliberations.

No doubt, in due course, the right will be strengthened to allow the Employee the right to have flexible working hours. Consider this to be the first step of many towards that end.