
Flexible working request procedure

Introduction

1. SFC is committed to supporting flexible working arrangements to enable staff to balance the competing demands of work and life. We regard this flexibility as being of benefit in helping SFC to attract and retain staff whilst maintaining operational efficiency.
2. The Employment Relations (Flexible Working) Act 2023 gives all SFC employees the right to request flexible working from day one of employment. It does not apply to agency workers, contractors, consultants or any self-employed individuals working at SFC.
3. Under the statutory procedure, employees can make two requests in every 12-month period. If you have submitted a flexible working request, you would have to wait until that one has been considered and any appeal has been dealt with, before submitting another request.
4. All flexible working arrangements must have regard to the operational requirements of SFC.
5. Examples of flexible working include:
 - hybrid working, where staff split their time between attending the office and working remotely (see our approach to hybrid working);
 - part-time working;
 - job sharing;
 - homeworking;
 - flexi-time (for example flexible start and finish times); and
 - compressed hours (for example a four-day working week or nine-day fortnight).
6. Note a request to increase working hours is not in itself a flexible working request and as this has added costs which will have budget implications will require to be considered via the Resources Request Group (RRG).
7. Where appropriate SFC reserves the right to use a trial period of the proposed flexible working pattern to allow flexible working practices to settle in before making permanent changes to staff working practices. Typically this will be of up to 6 months duration to fully test the arrangements.
8. Following any trial period, any agreed changes will constitute a change to the contract of employment.

Making a statutory request for flexible working

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9. All requests must be made in writing using the form at Annex B and submitted to the line manager (with a copy to HumanResources@sfc.ac.uk) this will cover the following key areas:

- the date of the request;
- the changes that you are seeking to your terms and conditions of employment;
- the date on which you would like the change to come into effect;
- a statement that this is a statutory request;
- if you have made a previous application for flexible working; and
- if you have made a previous request, the date of that application.

If your request does not contain all the required details as stated above, you will be asked to resubmit it with the necessary additional information.

Handling a request for flexible working

10. Upon receiving a written request for flexible working, it will be handled as soon as possible. However, all requests will be dealt with within two months, from receipt of the request to notification of any appeal decision. In certain circumstances the timescales may be extended where this is mutually agreed.
11. Within 10 working days (standard SFC working days are Monday-Friday) of the line manager receiving the request HR will arrange a formal consultation meeting with you, your line manager and an HR representative. This meeting will give you an opportunity to outline how the proposed working arrangements would benefit you and for us to consider and discuss any alternative options that may be available and suitable for both parties. You may, if you wish, be accompanied at this meeting by a work colleague or UNITE representative. If the line manager and the member of staff have informally discussed the proposed changes and are both content with the proposals, the formal consultation meeting may not be needed if there is evidence to support the agreement.
12. If the formal consultation meeting takes place, the line manager will carefully consider your proposed flexible working arrangements and recommend whether the request can be accommodated based on their knowledge of the immediate work. The final decision will rest with the Assistant Director/ Deputy Director or Director (as appropriate) based on advice from HR (taking account of Annex A). We will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to you and to SFC in implementing the proposed changes.
13. Each request will be considered on an individual basis. Agreeing to one request will not set a precedent for another employee to be granted a similar change to their working pattern.
14. Within 5 working days of the meeting HR will write to you either:
 - agreeing to the request;

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- confirming an agreed compromise; or
 - rejecting the request on business grounds (see Annex A for more information).
15. If your request is rejected or only agreed in part, you have 5 working days to submit an appeal in writing, setting out the grounds on which you are appealing, to the Head of Human Resources.
 16. HR will arrange for an appeal meeting to be held within 10 working days of receiving your appeal.
 17. The appeal meeting, wherever possible, will be chaired by a member of staff not previously involved in the original decision. Normally, it will be the line manager of the manager involved in handling the initial request. You may, if you wish, be accompanied at this meeting by a work colleague or UNITE representative.
 18. The manager conducting the appeal hearing will notify you of the outcome in writing within 5 working days of that meeting. The outcome of the appeal will be the final stage of this process within SFC.
 19. The indicative timescales given above must have regard to the overall limit of two months. However, they may be extended where this is mutually agreed.
 20. If you fail to attend, without good reason, an initial meeting and a rearranged one, to discuss your request or the appeal meetings, we will treat your application as withdrawn.

Further information

21. Further information on statutory requests for flexible working is available from gov.uk website at <https://www.gov.uk/flexible-working/overview>.

Annex A

Grounds for rejecting a flexible working request under statutory provisions.

An employer shall only refuse the application where they consider that one or more of the following grounds applies:

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

Annex B

SFC Form to request statutory flexible working arrangements

Request for flexible working		
Full Name:		
Date form submitted:		
Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
I wish to submit a statutory request for flexible working as detailed below.		
Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be.		
I would like the above change(s) to my working pattern to take effect on:		
I would like the above change(s) to my working pattern to be permanent:	Yes	No
If "No", I would like the above change(s) to my working pattern to be temporary and to end on:		
Signed:		Date:

Document history

This Policy and Procedure is a contractual document. It is negotiated between Management and Unite collectively on behalf of staff.

Owner: Human Resources

Version number	Changes	Date approved
1.1	<p>Policy updated to reflect the following changes in legislation from 6 April 2024:</p> <ul style="list-style-type: none">• for applications made on or after 6 April 2024, the right to request flexible working is from 'day one' of employment so removing 26 weeks' continuous service;• 2 requests can be made instead of 1 in a 12-month period;• there is no requirement for employees to explain what effect their proposals might have on the employer and how any such effect might be dealt with;• employer must make the decision within 2 months rather than 3 months;• introduction of a requirement for employers to consult with an employee before refusing their request.	<p>01/03/2024</p> <p>Ratified by PPWG/JNCF</p>

Review cycle: where there is a change in elements of the policy or periodically every two years.