



Nicky Ackerley BA(Hons)

Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

Flexible Working extended to all Employees

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All employees from 30th June 2014, have the right to make a flexible working request provided they have at least 26 weeks continuous service with the practice and that you have not made another applications to work flexibly during the previous twelve months.

So what are your rights?

You can make one request every twelve months requesting changes to:

- Hours of work;
- Times of work;
- Place of work.

This means you can request part time hours, a late start or early finish, hours to suit childcare arrangements, or to cover school holidays etc.

There is a laid down procedure that must be followed:

- The request must be in writing and state that it is an application under the Employment Act 2002 requesting flexible working arrangements.
- Specify what changes you are looking for and the dates you want the changes to start.
- You, the employee will need to do some homework, and explain in the letter the effect the changes you are proposing will have on the business and how this can be dealt with.
- Explain how you meet the criteria.

The Employer's Duty

- The employer should consider the request.
- Arrange a meeting within 28 days of the request.
- Allow the employee to be accompanied by a work colleague or a Trade Union representative if you are a member.
- Make a decision with 14 days of the meeting.

The employer will then either accept the request in full, giving written details of the start date and spelling out any changes to your conditions of employer **OR** refuse the request setting out the business reasons for the refusal.

A refusal must be based on one of the following:

1. The burden of additional cost.
2. The detrimental effect it would have on the ability to meet customer demand.
3. Inability to reorganise work amongst existing staff.
4. Inability to recruit additional staff.
5. The detrimental impact it would have on quality.
6. The detrimental impact it would have on performance.
7. Insufficiency of work available during the period when the employee proposes to work.
8. Planned structural changes to the business.

The employer should also advise of the appeal process.

If the employee is not satisfied with a refusal they can appeal, again in writing within 14 days, explaining the reasons for the appeal. A further meeting will be held to discuss this and a final decision advised within 14 days.

If the employer does not grant flexible working an employee can follow the internal grievance procedure, or take the matter to an employment tribunal.

The tribunal will only review that the procedure has been followed.

It will not decide whether the reason given by the employer is a reasonable or fair decision.

If the employer does not follow the procedure as detailed above, or explain the business reasons why flexible hours can be introduced, the Employment Tribunal can ask the employer to reconsider, and has the right to award compensation for a faulty procedure.

It should be remembered that the employer has rights to run their business and that the Right to Request Flexible Working Arrangements is just that, a right to ask. The employer may not be able to offer very much flexibility but a procedure now needs to be followed, to ensure both the employee and the employer can put their side of the case forward.

For further support with this or any other HR issue, BVNA members can call the BVNA Members Advisory Service Helpline on 01822 870270.