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New rules for flexible work pattern requests – open to all?

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At the end of June, the rules covering the entitlement of a member of staff to claim a flexible working pattern changed. Until that time, the legislation allowed anyone who had to care for children or a dependent adult to request flexibility in their working terms, i.e. hours, place and times. From 30 June 2014, however, this right of request extended to all employees who have 26 weeks' continuous service.

Key points

Previously, an employee had to provide reasons why they wanted to request a flexible work pattern – for example, responsibilities for childcare or the care of a dependent adult. This stipulation has now been removed and no reason has to be given, although an employer may require evidence from you to support your case.

Basic criteria

- You must have 26 weeks' continuous service.
- You must not have made a claim in the previous 12 months.

What flexibility can you request?

- Hours – including the number worked
- Times – days, start and finish times
- Place of work – request to do some or all work from home

Procedures

While there is no statutory requirement as such, an employer will now have a new ACAS Code of Practice to follow and they have a duty to consider your

request. The Code sets out the manner in which an employer needs to deal with your request and also provides a set format for the application form that a staff member should use to make the written request. It states that an employer needs to deal with the request in a 'reasonable manner' within '3 months' initially and advise you of the outcome in writing.

It is also recommended that an employer has a meeting with the member of staff and discusses their requirements to see what works for both parties. However, if the employer is happy with the written request, they may be able to grant it without a meeting.

You can make only one application every 12 months.

Automatic for all staff?

NO. It has to be noted that there is not an 'automatic' right to flexible work patterns and that an employee must make a formal application using the appropriate form. An employer still has the right to reject the claim but they also still need to provide reasons under the eight 'permitted business' reasons – this part hasn't changed. If your request is refused, you can of course appeal.

If you are not sure about your entitlement or have any HR/Personnel question relating to flexible working patterns, it is highly recommended that you take professional advice. [vni](#)

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

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