

Flexible working requests – Policy and procedure

Document name/title	Flexible working requests – Policy and procedure
Version number	V3.0
Status (draft, published or superseded)	Published with trade union approval
Department/Team	Human Resources
Relevant or related policies	
Distribution (internal or external)	Internal
Author/Owner (if different name both)	Human Resources
Approved by	SLT and trade unions
Date of sign off	May 2021
Review by	December 2023
Security classification	Official

1. Scope

- 1.1 This policy applies to all employees of the Information Commissioner's Office.

2. Purpose

- 2.1 To inform employees of their statutory rights and entitlements in relation to flexible working requests.
- 2.2 The policy incorporates the procedure to be followed when a request for flexible working is being made.

3. Introduction

- 3.1 'Flexible working' in the context of this procedure refers to working patterns which are adapted to suit your needs. It should not be confused with the flexi-time system which already provides a degree of flexibility with regard to working hours.
- 3.2 'Flexible working' in the context of this procedure can also refer to location of work, such as homeworking or other practices which may vary standard working provisions.
- 3.3 This policy aims to encourage staff to consider flexible working arrangements. The ICO recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the ICO wants to support its employees in achieving a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The ICO is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.
- 3.4 Though eligible employees have a statutory right to request flexible working patterns, there is no obligation on the ICO to agree to such requests. The ICO will, however, strive to accommodate requests, providing there is no significant negative impact on the services that we provide.

4. Eligibility

- 4.1 In order to be eligible to make a request for flexible working you must be an employee and have at least 26 weeks' continuous service with the ICO;
- 4.2 In line with the ACAS Code of Practice, an employee can only make a statutory request once in any 12 month period.

5. Procedure for making a request

- 5.1 The process for making a request for flexible working is as follows:
- You must submit a request in writing to your line manager and send a copy to the Human Resources team (a link to a sample form can be found

at the end of this policy). The written request for flexible working must include the following details:

- the details of the change requested and an explanation of the reason for the request;
- that the application is being made under the statutory right to request flexible working;
- if, and when, any previous application for flexible working was made;
- the date on which any proposed change should become effective;
- the effect, if any, you think the change will have on the ICO as the employer; and
- how, in your opinion, any such effect might be dealt with.

You must ensure that your application is dated.

- 5.2 All requests, including appeals, will be considered and decided on within a period of three months from first receipt of your request, unless you agree to extend this period.

The Human Resources team will write to you within 28 calendar days to arrange to meet with you and your line manager.

The meeting will be at a time and date that is mutually convenient. You can take a 'companion' along who can be a colleague or trade union representative/official. If your companion cannot attend then Human Resources will defer meeting to a new time within 7 days of original date.

A meeting might not be required if your request is accepted on the basis of the written submission that you have provided.

- 5.3 Human Resources will provide you with written notification of the acceptance or rejection of your request, or of any variations to your request which would be acceptable to the organisation. You will be asked to sign and return a copy of the letter which will be placed on your personnel file to confirm the variation to your terms of employment.

- 5.4 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the ICO, you may opt to withdraw your application, and arrange a trial period subject to the agreement of all parties. If a trial period is arranged the ICO will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

- 5.5 Where a trial period has been arranged the ICO will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the ICO may reduce or lengthen the trial period where necessary with the agreement of the employee). The ICO will

reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. The employee will still have the right to make a statutory request for flexible working.

- 5.6 If the request is rejected the notification will state which grounds for rejection apply (see the section below on factors that may be taken into account) with an explanation as to why those grounds apply and the appeal procedure.
- 5.7 If you decide to appeal against the rejection of your request, or if you feel the variation offered is not satisfactory to you, you must write to the Human Resources team, clearly stating your grounds of appeal. This must be received by Human Resources within 14 calendar days of the date of rejection of application.
- 5.8 An appeal meeting will be arranged by Human Resources to be held within 14 calendar days of receiving your appeal, where possible. The meeting will take place at a mutually convenient time and place and you can be accompanied by a companion again. The appeal will be heard by a more senior manager supported by a member of the Human Resources team.
- 5.9 Human Resources will provide you with written notification of the acceptance or rejection of your appeal within 14 calendar days, and in any event no later than 3 months of receipt in writing of the original request.
- 5.10 If the request is rejected, the notification will state which grounds for rejection apply with an explanation as to why those grounds apply. There is no further right of appeal under this procedure.
- 5.11 If your application is turned down, you do not have the right to request flexible working until 12 months after your initial application was received unless your application was withdrawn before it was considered.
- 5.12 The timescales described within this procedure may be extended if you are in agreement.

6. Possible grounds for rejecting a request

6.1 Though the ICO will endeavour to accommodate requests, the primary concern of the organisation must be to provide effective services.

6.2 The ICO may refuse a request if one or more of the following grounds apply:

- there is inability to rearrange work among existing staff;
- there is a burden of additional costs;
- the request would have a detrimental effect on the ability to meet customer demand;
- there is an inability to recruit additional staff;
- the request would have a detrimental impact on quality;
- the request would have a detrimental impact on performance;
- there is an insufficiency of work when you propose to work; or
- there are planned structural changes.

If your request is rejected the grounds on which the rejection has been made will be explained to you in writing.

7. Frequently Asked Questions

7.1 What kind of things can be included in a flexible working request?

This could include an application to reduce working hours or to change your current working pattern e.g. going part time or working compressed hours.

You may request to work at home for some of the week, but bear in mind that this might not be a possibility for all jobs and the eligibility for homeworking criteria must be fulfilled.

Though you can request a particular working pattern, you should remember that the ICO might not be able to accommodate your request, so do not rely on the change being accepted before confirming care arrangement for your dependant(s).

7.2 What other policies do I need to consider before I make a flexible working request?

Other ICO policies which may have a bearing on your request include the Flexi-time policy; the Career Breaks Policy; Compressed Hours Policy and Home working policies.

These policies set out the flexibility available within standard ICO working practices. Any changes agreed through the flexible working request policy will be a permanent variation to your contract and there is no automatic right to revert to previous working arrangements.

All of the above can be found on ICON.

7.3 I applied for flexible working, but decided to withdraw my application before it was considered by management. Does that mean that I can't make another application for another 12 months?

If you withdraw your application before it has been considered by management you would still be able to make a new request within the next 12 months.

7.4 My circumstances have changed unexpectedly and I need to apply for flexible working quickly. Does the process have to take as long as the times set out in section 5?

The timings set out are those required by the legislation. We would endeavour to respond more quickly than them, but that would certainly be the case where an urgent need arises.

It should be emphasised that the onus is on you to provide as much notice as possible of a flexible working request.

7.5 Can I request to change my working arrangements on a temporary basis under this policy?

Yes, you may request to alter your working arrangements temporarily as part of a flexible working request.

However, it may not be possible to guarantee that you will be able to revert to your former working arrangements at the end of the period. This will need to be assessed on a case by case basis and will be determined by circumstances at the time.

7.6 I don't have caring responsibilities. Can I request to reduce my working hours?

Yes, you can make a request to change your hours. If you are thinking about changing your working pattern you should speak with your manager.

7.7 I am an agency worker, can I submit a flexible working request?

You have no statutory right under this policy to make a statutory flexible working request. However you may speak to your line manager to discuss if any changes can be accommodated.

Further information

A sample form for making a flexible working request:

<https://www.gov.uk/flexible-working/making-a-statutory-application>

Further information about flexible working can be found at:

<https://www.acas.org.uk/making-a-flexible-working-request>

Version	Changes made	Date	Made By
2.0	Published	June 2014	Human Resources
3.0	Full policy review Updated to include ACAS guidelines for submitting requests.	May 2021	HR, SLT, TU's and EDI networks