



Regulatory Update

The Flexible Working Regulations 2014

Provided by Crendon Insurance Brokers Ltd

Quick Facts

The Flexible Working Regulations 2014 extend the right to request flexible working to all employees in England, Scotland and Wales.

By extending flexible working rights, the government hopes that businesses can better retain staff and widen their talent pool.

From 30 June 2014, employees who have been continuously employed by the same employer for at least 26 weeks are statutorily entitled to make a flexible working application.

On 30 June 2014, the Flexible Working Regulations 2014 (Regulations) will come into force and expand flexible working rights for employees in England, Scotland and Wales. The new regulations extend the right to request flexible working to all employees, not just those who have certain parental or caring responsibilities. Employers have the duty to consider all requests in a reasonable manner; however, they can refuse flexible working requests based on business grounds.

The government stated that the purpose for extending this right to all employees is to benefit both businesses and employees. It is important for businesses to hold onto experienced and skilled staff in order to maintain quality and contain costs. Flexible working increases staff members' commitment and loyalty, thus allowing businesses to retain and recruit skilled workers. This translates into increased productivity and profitability for the company. Flexible working also allows employees to strike a better balance between their family or other responsibilities and their work lives.

The Regulations do not extend to Northern Ireland. Northern Ireland employers should continue to follow current flexible working

rights afforded to employees with certain parental or caring responsibilities, as set out by the Employment Rights (Northern Ireland) Order 1996 and related regulations and amendments.

WHAT IS FLEXIBLE WORKING?

The term 'flexible working' can refer to many different types of working options, including hours of work, times of work and places of work. The following are some common examples:

- Flexi-time: working a standard core time, but varying the start and finish times within agreed limits
- Compressed hours: working the total number of contracted weekly hours in fewer working days by working longer individual days
- Job-sharing: working part-time and sharing responsibilities of a full-time position with another employee
- Term-time working: work schedule that follows school term patterns
- Tele/home-working: working all or part of contracted hours from home



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WHO IS ENTITLED TO MAKE REQUESTS?

Currently, only employees who are parents of children under 17 (or 18 if disabled) or who care for an adult have a statutory right to request flexible working. From 30 June 14, all employees who have been continuously employed by the same employer for at least 26 weeks are entitled to make a flexible working application.

The application must be in writing and should include:

- A statement that this is a statutory request for flexible working
- The type of flexible working change applied for and the date on which the proposed change should become effective
- Whether the employee has previously made any such request before and, if so, when
- A statement on the effect, if any, the change will have on the employer and how it might be dealt with

HOW TO HANDLE REQUESTS

After receiving a written flexible working request, employers should carefully consider the request by weighing the benefits for the employee and business against any adverse effects. Then schedule a meeting with the employee to discuss the request. If the flexible working request is rejected, it must be based on one of the grounds set out in the Employment Rights Act 1996:

- 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

Additionally, employers should deal with all requests promptly and have a proper appeal process in place.

For more information on the changes, see www.legislation.gov.uk/uksi/2014/1398/contents/made.

