

Types of flexible working

There are different ways of working flexibly.

Job sharing - 2 people do 1 job and split the hours.

Working from home - It might be possible to do some or all of the work from home or anywhere else other than the normal place of work.

Part time - Working less than full-time hours (usually by working fewer days).

Compressed hours - Working full-time hours but over fewer days.

Flexitime - The employee chooses when to start and end work (within agreed limits) but works certain 'core hours', eg 10am to 4pm every day.

Annualised hours - The employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.

Staggered hours

The employee has different start, finish and break times from other workers.

Phased retirement - Default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part time.

Appeals

Employees no longer have a statutory right to an appeal - But offering an appeals process demonstrates that the employer is handling requests in a 'reasonable manner'.

How to appeal - The employee must follow the company's procedures for appealing.

The employee or employer should follow the company's procedures for solving a workplace dispute if a rejected application causes problems.

Going to an employment tribunal - Employees can complain to an employment tribunal if the employer:

didn't handle the request in a 'reasonable manner'

wrongly treated the employee's application as withdrawn

dismissed or treated an employee poorly because of their flexible working request, eg refused a promotion or pay rise

rejected an application based on incorrect facts

Employees can't complain to a tribunal just because their flexible working request was rejected.

An employee should complain to the tribunal within 3 months of:

hearing their employer's decision

hearing their request was treated as withdrawn

the date the employer should have responded to their request (but failed to do so)

If an employer or employee is unsure of their rights, they should get legal advice.