03 Flexible & Predictable Working Pattern Policy

1. Introduction
	1. Flexible working is the idea that your working life can, with agreement, be adapted to suit your needs and preferences. This may mean a change to the hours that you work, your start and finish times, your days of work or the place where you work. We recognise the benefits of flexible working and will consider all flexible working requests with an open mind. However, we will need to balance the request against its effect on the business and its impact on other staff.
	2. At ABC Ltd we appreciate that some of you who work for us have a working pattern which lacks predictability – either in terms of the duration of your contract with us or your working pattern. We understand that you may wish to have more predictability.
	3. This Policy:
* Sets out your legal entitlement to make a flexible working request, or to make a request for a predictable working pattern
* Explains the interplay between the flexible working process and the predictable working pattern process
* Explains how requests should be made in each case, and the procedures we follow
* Sets out the circumstances where we may decline your request
* Explains what happens if a request is approved
	1. This Policy applies to all employees. Parts of the Policy also apply to workers and agency workers – we will say where that is the case.
	2. This Policy does not form part of any contract you may have with us or, in the case of agency workers, any contract you may have with your agency. We reserve the right to amend or remove this Policy.
	3. This Policy sets out the formal process by which you can request flexibility at work and/or a predictable working pattern. Before you make a formal flexible working or predictable working pattern application, we suggest that you discuss your request informally with your line manager.
1. Interplay between flexible working requests and requests for a predictable working pattern
	1. If you are employed by us, then you may make two statutory requests for flexible working within any 12-month period and, subject to the eligibility requirements set out below, two statutory requests for predictable working within any 12-month period. If you make a statutory request for flexible working, and the purpose of that request is to have a more predictable working pattern, it will count as both: one of your two statutory requests for flexible working and one of your two statutory requests for a predictable working pattern.
	2. You may have only one live request either for flexible working or for a predictable working pattern with us at any one time.

Part 1: Flexible Working

1. What is flexible working?
	1. Flexible working might involve reducing or varying your hours or the days that you work or changing the location from which you work. There are lots of options, including:
* Part-time working
* Term-time working
* Annualised hours
* Compressed hours
* Flexitime
* Hybrid, home or remote working
* Job sharing
1. Who can make a flexible working request?
	1. All employees have the right to make a flexible working request. As set out above, normally only two requests can be made in each 12-month period. But if you qualify as disabled, you can make requests to work flexibly as a ‘reasonable adjustment’, and you can do that more than twice a year.
2. How should a request be made?
	1. Under the formal flexible working regime, a request for flexible working must be sent to HR in writing and must:
* State that it is a flexible working request
* Be dated
* Set out the change that you want and when you want it to take effect
* State whether you have previously made any flexible working requests to us and, if so, when
* State whether you have previously made any requests for a predictable working pattern to us and, if so, when
	1. You can only have one live request at any one time. Once a request has been made, it remains live until any of the following occur:
* A decision about the request is made by us (and any appeal is concluded)
* The request is withdrawn
* An outcome is mutually agreed
* The statutory two-month period for deciding requests ends without an agreed extension
1. Our approach to flexible working requests
	1. We will deal with flexible working requests reasonably.
	2. We will consider the proposed flexible working arrangements, weighing up the benefits to you (and to the business) against any adverse impact that granting your request would have on the business or other staff.
	3. We may grant your request in full or in part, or we may refuse it. We may also propose changes to your request for you to consider. You may be asked to complete a trial period before we confirm whether we agree to the changes.
2. Meeting
	1. We will usually invite you to a meeting to discuss your request. The meeting will give you the chance to discuss why you are requesting the change, how we can accommodate it, and will allow us to understand how you think such a change will work in practice. We aim to hold a meeting within 28 days of receiving a request.
	2. We will write to you with the outcome of your flexible working request, usually within two weeks of having held a meeting with you.
	3. If we are happy to agree to the flexible working request, then we will confirm our agreement in writing without the need for a meeting.
3. Extending the time that we have to deal with a request
	1. If, for some reason, we are not able to make a final decision within two months of the date that you made your request, then we will ask you to agree to extend the time that we have to deal with the request. This might be necessary if, for example, you have appealed against a decision taken to refuse your request or if we have accepted the request on a trial basis but have not made a final decision.
	2. We will record any agreement to extend time in writing.
4. What we will do if we receive requests from more than one employee
	1. We will look at each request individually, on its own merits. Agreeing to one request does not mean we will reach the same conclusion again, nor does it create a right for any other employee. There may be situations when agreeing flexible working with one employee means that others’ requests for similar flexible working cannot be granted.
	2. If we receive several requests from the same business area or team at the same time, and we believe that we will have difficulty in accommodating all requests, then we will speak to each employee with a view to seeing whether a compromise can be reached. If a compromise cannot be reached, then we will look at the requests in the order that they were received by us (unless a competing request is made as a request for reasonable adjustments because of a disability under the Equality Act 2010, which will normally take priority).
5. Agreeing a request
	1. If we accept your flexible working request, then your new work pattern will form a variation to your contract of employment and will be permanent unless otherwise agreed. We will confirm your new terms in writing.
	2. We will review your new working pattern with you at regular intervals following the approval of your request to make sure that it is working as expected and meeting the needs and expectations of both you and the business.
6. Rejecting a request
	1. We will try to accommodate flexible working requests where possible. If we cannot accept your request, we will explain why in writing and will rely on one or more of the following reasons:
* It will cost the business too much.
* The business cannot reorganise the work among other staff.
* The business cannot recruit more staff.
* There will be a negative effect on quality.
* There will be a negative effect on the ability of the business to meet customer demand.
* There will be a negative effect on performance.
* There’s not enough work for you to do when you’ve requested to work.
* There are planned changes to the business (for example, the business intends to reorganise) and we don’t think the request will fit with these plans.
	1. If we reject your request, you have the option to appeal our decision.
1. Trial periods
	1. The legal framework surrounding flexible working does not include any right to agree to the request on a ‘trial period’ basis. However, it may sometimes be useful for both you and us to ‘try out’ the new working arrangements before a permanent change is made to your contract of employment. In these circumstances, we may seek to agree a trial period with you. We will not impose a trial period on you. If you reject the offer of a trial period, we will have to agree or reject your flexible working request straight away. If you agree to a trial period, then we will set out this agreement in writing. The letter may also include reference to an extension of the two-month time limit for dealing with flexible working requests (as this period would otherwise continue to run during the trial).
	2. At the end of any agreed trial period, we will make a final decision on your flexible working request and will communicate this in writing. If we decide to reject your request, then you will have the option to appeal this decision.
2. Appeals
	1. You may appeal within one week of our decision. Your appeal should be dated and sent in writing to the person identified as the appeal officer in the decision letter. You must explain exactly why you are appealing.
	2. We will invite you to an appeal meeting. Wherever possible, the appeal meeting will not be led by the manager who held the meeting at which we decided what action to take. You may be accompanied by a trade union representative or work colleague, in line with the process outlined below. Appeals will normally be determined before the end of the ‘decision period’ (two months from when you sent your initial request ) wherever possible. An extension to the ‘decision period’ may need to be agreed with you.
	3. Our final decision will be sent to you in writing. We will try to do this within two weeks of the appeal hearing. You will not have any further right of appeal.
3. Withdrawal of a request
	1. You can withdraw a request for flexible working at any time after it has been made. A withdrawn request will count as one of the two requests that you are able to make under the statutory scheme in any 12-month period.
	2. We may notify you that we have decided to treat your conduct as a withdrawal of your flexible working request where either of the following applies:
* You have failed, without good reason, to attend both the first meeting arranged to discuss your request and the next meeting arranged for that purpose.
* We have allowed you to appeal against the rejection of your request and, without good reason, you have failed to attend both the first meeting arranged by us to discuss your appeal and the next meeting arranged for that purpose.
	1. We will notify you in writing if we decide to treat your conduct as a withdrawal of your request.

Part 2: Predictable Working

1. What is a request for a predictable working pattern?
	1. If you are an employee or worker whose working pattern lacks predictability (either because of when you work, or the duration of your contract with us) then a request for a predictable working pattern involves you making a formal request for your working pattern to be made more predictable in some way. Predictability can take different forms.
	2. For example, if you have a fixed-term contract of 12 months’ duration or less with us, then you can request a longer fixed-term contract, or that your contract with us is made permanent.
	3. Or, if your working pattern lacks predictability (say, for example, if you are engaged by us as a zero hours’ worker), then your application might request a formalised predictable working pattern.
	4. If you work for us through an agency and your role lacks predictability, then you may (if you are eligible) make a request for:
* A contract of employment with us (this means to become our employee)
* A worker's contract with us to do work or provide a service personally (this means to become a worker for us but not our employee)
	1. You may have a separate right to request predictable terms from your agency (this should be taken up with your agency directly).
	2. We will treat your request as a request for a contract to do the same or broadly similar work as you already do for us through the agency on terms and conditions which are, on the whole, not less favourable to either of the following:
* The usual terms and conditions, at the time of the request, of our employees (in the case of a request for a contract of employment) or our workers who are not employees (in the case of a request for a worker’s contract) who are doing the same or broadly similar work to you and (where relevant) who have a similar level of qualification and skill.
* The terms and conditions that would usually be expected to be included in such contracts if we do not have any such employees or workers.
1. Who can make a request for a predictable working pattern?
	1. Employees, workers and agency workers whose working pattern (or any part of it) lacks predictability in some way are all able, if eligible, to make a request for a predictable working pattern. This includes those on casual contracts and those on fixed-term contracts of 12 months’ duration or less.
	2. To be eligible, employees and workers must have worked for us for at least one week in the period before the 26 weeks leading to the date that the application is made.
	3. If you are an agency worker, to be eligible to make a request to us for a predictable working pattern, you must have worked in the same role for us for a continuous period of 12 weeks in the 26 weeks before making your request.
2. How should a request for predictable working be made?
	1. A request for predictable terms and conditions must be sent to HR in writing and must:
* State that it is a request for a predictable working pattern
* Be dated
* Set out the change that you want and when you want it to take effect
* State whether you have previously made any requests for either a predictable working pattern or flexible working to us and, if so, when.
	1. You can only have one live request at any one time. Once a request has been made, it remains live until any of the following occur:
* A decision about the request is made by us (and any appeal is concluded)
* The request is withdrawn
* An outcome is mutually agreed
* The statutory one-month period for deciding requests ends
	1. Only two requests can be made in each 12-month period (unless it relates to a request to consider reasonable adjustments on account of disability under the Equality Act 2010, which can be made at any time).
1. Our approach to predictable working pattern requests
	1. We will deal with predictable working pattern requests reasonably.
	2. We will consider your current working pattern – including whether you have already been regularly working broadly the same hours, days or times, or working for us under a series of fixed-term contracts.
	3. We will consider your proposed predictable working pattern arrangements, weighing up the benefits to you (and to the business) against any adverse impact that granting your request would have on the business or other staff.
	4. We may grant your request in full, or we may refuse it. We may also propose changes to your request for you to consider. You may be asked to complete a trial period before we confirm whether we agree to the changes.
	5. We will decide any request for a predictable working pattern, including any appeal, within one month of receiving the request.
2. Meeting to discuss a request for predictable working
	1. We will usually invite you to a meeting to discuss your request. The meeting will give you the chance to discuss why you are requesting the change and will allow us to understand how you think such a change will work in practice. We aim to hold a meeting within 28 days of receiving a request.
	2. We will write to you with the outcome of your predictable working pattern request, usually within 2 weeks of having held a meeting with you.
	3. If we are happy to agree to the predictable working pattern request, then we will confirm our agreement in writing without the need for a meeting in line with the procedure for agreeing a request set out below.
3. Agreeing to a request for a predictable working pattern
	1. If you are an employee or worker and we accept your request for a predictable working pattern, then we will confirm our decision in writing. We will offer you a new contract in writing which reflects the change requested within two weeks of accepting the request.
	2. If you are an agency worker and we accept your predictable working request, then we will confirm our decision in writing and provide you with written terms reflecting the agreed position.
4. Rejecting a request for a predictable working pattern
	1. We will try to accommodate predictable working pattern requests where possible. If we cannot accept your request, we will explain why in writing and will rely on one or more of the following reasons:
* It will cost the business too much.
* There will be a negative effect on the business’s ability to meet customer demand.
* There will be a detrimental effect on the recruitment of staff.
* There will be a negative effect on other aspects of the business.
* There’s not enough work for you to do when you’ve requested to work.
* There are planned changes to the business (for example, the business intends to reorganise) and we don’t think the request will fit with these plans.
	1. If we consider rejecting a request on one or more of the grounds above, then we will consider whether there are alternative and suitable arrangements for providing more predictability. If there are, we will discuss these with you.
	2. Where you are an employee or worker and your employment ends during the one-month decision period, we may refuse your request on the following additional grounds:
* That you ended your contract (unless you had the right to end your contract because we breached it); or,
* That we, acting reasonably, ended the contract because of your misconduct, capability, redundancy, a legal restriction or duty or some other substantial reason
	1. Where you are an agency worker and your assignment ends during the one-month decision period we may refuse your request on the following additional grounds:
* That you ended your assignment (unless you had the right to end it because we breached it); or,
* That we, acting reasonably, ended the assignment because of your misconduct, capability, qualifications, a legal restriction or duty or some other substantial reason
1. Appeals
	1. You may appeal within one week of our decision. Your appeal should be dated and sent in writing to the person identified as the appeal officer in the decision letter. You must explain exactly why you are appealing.
	2. We will invite you to an appeal meeting. Where possible, the appeal meeting will be led by a different manager from the one who held the original meeting.
	3. Our final decision will be sent to you in writing. You will not have any further right of appeal.
2. Withdrawal of a request
	1. You can withdraw a request for predictable working at any time. A withdrawn request will count as one of the two requests that you are able to make under the statutory scheme in any 12-month period.
	2. We may notify you that we have decided to treat your conduct as a withdrawal of your predictable working request where either of the following applies:
* You have failed, without good reason, to attend both the first meeting arranged to discuss your request and the next meeting arranged for that purpose.
* You have appealed against the rejection of your request, and, without good reason, you have failed to attend both the first meeting arranged by us to discuss your appeal and the next meeting arranged for that purpose.
	1. We will notify you in writing if we decide to treat your conduct as a withdrawal of your request.
1. What we will do if we receive requests for flexible working and/or a predictable working pattern from more than one employee/worker
	1. We will look at each request individually, on its own merits. Agreeing to one request does not mean we will reach the same conclusion again, nor does it create a right for any other employee. There may be situations when agreeing flexible working or a predictable working pattern with one employee/worker means that others’ requests for similar flexible working or predictability cannot be granted.
	2. If we receive several requests from the same business area or team at the same time, and we believe that we will have difficulty in accommodating all requests, then we will speak to each employee/worker with a view to seeing whether a compromise can be reached. If a compromise cannot be reached, then we will look at the requests in the order that they were received by us (unless a competing request is made as a request for reasonable adjustments because of a disability under the Equality Act 2010).
2. What if a predictable working pattern or flexible working request relates to a disability?
	1. If you believe that a predictable working pattern or flexible working may remove a disadvantage you are placed at in the workplace owing to a disability, then you should contact HR for further guidance before submitting a formal request under this Policy. We may, with your agreement, seek advice from your doctor or occupational health on the issue.
3. The right to be accompanied
	1. You may be accompanied by a colleague or trade union representative at any meeting called under this Policy.
	2. If you want to exercise this right, you should tell us as soon as possible who you want to accompany you. It is your responsibility to arrange for them to attend. If you choose a work colleague, we will not prevent them from attending, but we may rearrange the meeting if their absence from work would cause operational problems.
	3. Your colleague or trade union representative can, if you’d like them to, explain the key points of your case at the meeting and can respond on your behalf. You can also confer with them during the meetings. However, they must not answer questions put directly to you or try to prevent us asking questions or outlining our points.
4. Useful links
	1. The following internal policies contain additional information and guidance:
* Homeworking Policy
1. Administration of the Flexible Working and Predictable Working Pattern Policy
	1. Name1 is responsible for the administration of this Policy. If you have any feedback, please email to Email1

|  |  |
| --- | --- |
| Organisation Name: | ABC Ltd |
| Policy Adopted Date:  | 1st January 2024 |
| Due for Review Date:  | 1st January 2026 |
| Person Responsible for Policy: | Name1 |
| Email: | Email1 |