Forum Warns Changes to Flexible Working Will Add to Admin Burden Felt by Small Firms

Monday 30 June, 2014

With changes in the right to request flexible working coming into today (30th June), national business group the Forum of Private Business is warning that the changes are unwelcome addition to the ever increasing administrative burden for small business owners.

Under the new changes, all employees providing they meet the minimum requirement of being continuously employed for 26 weeks can request to have an application to work flexibly considered. This can cover a change of hours, days of work or location of work. There is no longer any requirement to link this request to the care of another person, adult or child. The only other restrictions being that the application must be made formally and that only one application may be made within a 12 month period. The request can be made for any reason, such as study, hobbies, reduction of working week linked to retirement or a request to work from home. For example, requests for flexible working for child care must be considered equally with a request for time off to pursue a personal hobby or interest, or working from home.

Commenting on the changes Phil Orford MBE, chief executive of the Forum of Private Business, said:

“Our members recognise the benefits of flexible working and wherever possible have sought to work with employees to provide flexible working options.

“However, extending the right to request flexible working to all employees will simply make the consideration process the employer needs to follow more complicated and time-consuming and only add to the administrative pressures already felt by many small business owners. In particular, with no requirement to link the request to caring responsibilities, this greatly increases the range and number of requests that can be made and therefore there is considerable scope for employees to judge that their request may not have been considered fairly.”

Despite the relaxing of the statutory procedure employers must follow when dealing with flexible working requests, the Forum is also highlighting the importance of setting clear procedures to ensure all requests are dealt with in a 'reasonable manner'.

Key things business owners should consider include:

- Establishing a clear policy on how flexible working requests will be handled, preferably in writing;
- Ensuring all employee requests must be made in writing, include the date, the proposed changes, potential impact on the business and how these might be dealt with, and details of previous requests;
- Ensuring any flexible working requests are dealt with in a timely manner, usually within 3 months of receiving the initial request, including an appeal;
- Ensure you consider the request carefully but that you under no legal obligation to grant a request for flexible working if it cannot be accommodated for business reasons;
- Ensure you let the employee know your decision and the appeals process (if relevant) in writing as soon as possible; and
- That multiple requests should be dealt with in the order they are submitted and not based on value judgements on which are more deserving. Also for small employers granting one request may mean that you have to turn down a second request based on changing work situation.

Further expert advice on flexible working is on hand from a variety of sources, including the Forum of Private Business. For more information, visit www.fpb.org.

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