

Flexible Working

1. Introduction

The Forestry Commission recognises the importance of balancing work and home life and is open to considering requests to work flexibly from eligible employees.

This procedure sets out the steps to be followed by employees making flexible working requests and those managers considering them to ensure a fair and consistent approach is applied. For further information please see [HR Policy – Flexible Working](#).

The procedure should be completed within 3 months of receipt of a flexible working request, unless circumstances require this timeframe to be extended, which must be agreed in writing between the line manager and employee.

2. Making a Flexible Working Request

If you wish to apply to work flexibly, you should complete the [Flexible Working Request Form](#). The form explains which information is essential and which is optional. It is recommended that you provide as much information as possible on the form to ensure your request is fully and carefully considered.

You should send the completed form to your manager in good time to allow for your request to be fully considered ahead of your proposed start date. If your request does not contain the essential information, it will be returned for further completion and will not progress until all essential information has been submitted.

If you decide to withdraw your flexible working application, you should do so in writing to your manager, as soon as possible. In this case you will normally have to wait 12 months before any further request can be submitted.

3. Consideration of Your Flexible Working Request

On receipt of your Flexible Working Request Form, your manager will make an initial assessment of the impact of your request and how easily this can be accommodated.

Where changes are considered to be relatively minor and minimal discussion is required, your manager may agree to implement your proposed pattern without arranging a formal meeting. In such circumstances, your manager will submit an [Employee Change](#)

[Notification Form](#) to your dedicated HR Team who will confirm your change of working pattern in writing to you – see [Section 4.1](#) below.

3.1 Formal meeting

If your manager needs to discuss your request before making a decision, you will be invited to a formal meeting.

There is no statutory right to be accompanied at this meeting; however you may be accompanied by either a Trade Union representative or a workplace colleague, as long as this does not delay the meeting. Your representative or colleague can ask questions, confer with you and generally address the meeting, however, they cannot answer questions on your behalf. It is your responsibility to arrange for such representation and you should also notify your manager of this in advance of the meeting in order that appropriate arrangements can be made.

Your manager may ask a confidential notetaker to attend the meeting to assist in taking the summary record of the meeting – see [Section 3.1.2](#) below.

If you fail to attend a meeting to discuss your request on two consecutive occasions without good reason, your manager will treat your request as having been withdrawn.

3.1.1 During the meeting

Your manager will discuss their initial views about how well your proposed working pattern could work in practice, and will advise you of any concerns they may have around implementing this change, for example the impact it may have on division of work in the team, meeting business needs, etc.

You will have the opportunity to respond to any points or concerns raised and to discuss any other matters of relevance.

If your manager thinks that your requested working pattern cannot be accommodated, you will have the opportunity to discuss alternative patterns that may be suitable.

3.1.2 Outcome of Formal Meeting

Your manager will notify you of their decision as soon as possible. It may be possible for a decision to be reached at the formal meeting, possibly after a brief adjournment. However, your manager may consider that further reflection is necessary or additional information or measures, such as a home-working risk assessment is required. In these circumstances, they will either reconvene the meeting at a later date once they have reached a decision, or will communicate their decision to you in writing (see [Section 4](#)). Your manager will advise you of an expected timescale and will keep you informed should this require to change.

Your manager will keep a summary record of the key points discussed and will provide you with a copy of this for your records. A copy will be sent to your HR Team for your personal file.

4. Written Notification of Decision

Following your manager's decision, you will receive notification of one of the following:

4.1 Flexible Working Request is Accepted

If your request is accepted, or an alternative agreement is reached, your manager will submit an [Employee Change Notification Form](#) to your HR Team who will write to you to confirm the effective date of the change in your working pattern and any impact this may have on other terms and conditions.

Your manager will work with you to make any other appropriate arrangements required to implement your new flexible working pattern, such as informing other colleagues in your team or any other parties who may be affected by the change.

4.1.1 Effect on Your Terms and Conditions of Employment

Unless you have agreed otherwise with your manager, any change to your working pattern/hours will be deemed to be a permanent one and there is no automatic right to revert to your previous hours/pattern. The letter from your HR Team will confirm this and any impact to other terms and conditions such as your annual leave entitlement and salary.

Your HR Team will ensure that the necessary changes in relation to payroll, flexi-system (where applicable), etc. are processed.

4.2 A Trial Period is Offered

If your manager is unsure how well your flexible working request will work in practice, they may offer a trial period, which will not normally last more than 3 months. The trial period will allow your manager to make an assessment of how your proposed arrangements will work, and whether or not these are likely to create any difficulties for your team/department, or across the FC. Should you agree to the trial period, your manager will postpone their decision about your request until the trial period ends.

In certain circumstances, trial periods can be extended, e.g. if work is cyclical and the 3 months have not provided sufficient opportunity to address the initial concerns. They may also be ended earlier than anticipated in cases where it has become clear within a shorter period of time that the arrangements are not feasible.

Your manager will work with you to make the appropriate arrangements required to implement your new flexible working pattern on a trial basis. This will include informing other colleagues in your team or any other parties who may be affected by the change.

If your manager offers a trial period, they will submit an [Employee Change Notification Form](#) to your HR Team who will write to you to confirm the start and end dates of the trial period.

If you do not accept the offer of the trial period, your manager will make a decision based on their current assessment of your request.

4.2.1 Effect on Your Terms and Conditions of Employment

This will be a temporary variation and any impact the temporary change may have on other terms and conditions such as pay and annual leave entitlement will be confirmed in the letter from your HR Team. You will be required to confirm your agreement to the trial period and the subsequent delay in reaching a final decision about your flexible working request.

Your HR Team will ensure that the necessary temporary changes in relation to payroll, flexi-system (where applicable), etc. are processed.

4.2.2 End of Trial Period

At the end of the trial period, your manager will advise you of their decision and the relevant steps as detailed in [Section 4.1](#) or [Section 4.3](#) will be followed accordingly.

4.3 Flexible Working Request is not Accepted

If your manager is unable to agree to your flexible working request, they will advise you of this in writing, clearly explaining the business reasons why your request cannot be accommodated, and will advise you of the appeals process (see [Section 5](#) below). The business grounds on which requests may be declined are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental effect on ability to meet customer demand;
- a detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work; and/or
- planned structural changes.

5. Appeals

If your flexible working request is declined, you can appeal against this decision if:

- You consider that the procedure was not followed correctly.
- New information is now available which was not considered at the first meeting.
- You consider the reason for declining your request was based on information which is incorrect or incomplete.

5.1 Submitting an Appeal

You must appeal in writing within ten working days of receiving written confirmation of the decision, clearly setting out your grounds for appeal.

Your appeal should normally be submitted to your Confirming Officer unless they considered your original request. In these circumstances, your written confirmation letter will advise who your appeal should be submitted to.

5.2 Appeal Manager

An appeal manager will be appointed and their role is to review whether the procedure has been followed correctly and the decision was reasonable. They will also give consideration to any new information that you present.

Appeals will normally be heard by your Confirming Officer or a manager at least one pay band above the manager who initially considered your request. Where this is not possible, the appeal will be heard by a manager of an equivalent pay band who is outside of your management chain and has not previously been involved in the consideration of your request.

5.3 Appeal Hearing

On receipt of your appeal notification, the Appeal Manager will invite you to attend an appeal hearing where you will be given the opportunity to explain your grounds for appeal.

There is no statutory right to be accompanied at this hearing; however you may be accompanied by either a Trade Union representative or a workplace colleague, as long as this does not delay the hearing (see [Section 3.1.1](#) above for further details).

The Appeal Manager may ask a confidential note-taker to attend the Appeal Hearing to keep a summary record of the key points discussed and you will be provided with a copy of this for your records. A copy will be sent to your HR Team for your personal file.

6. Appeal outcome

The Appeal Manager will write to you as soon as possible following the appeal hearing to advise of their decision to:

- Uphold the original decision to decline your flexible working request;
- Offer a trial period of your requested working pattern; or
- Accept and implement your flexible working request.

The Appeal Manager's letter will explain the reasons for their decision and where your request is accepted or a trial period is offered, the relevant steps as detailed in [Section 4.1](#) or [4.2](#) above will be followed accordingly.

The decision of the Appeal Manager is final and there are no further appeal stages. If you miss an appeal hearing on two consecutive occasions without good reason, your manager will treat your appeal as having been withdrawn.

7. Reasonable Adjustments

Managers will consider any reasonable adjustments which will allow you to engage fully with the flexible working procedure. You should provide sufficient notice for your request for an adjustment to be considered and at least **two working days** before any meeting.

7.1 Audio/video recording

Neither you nor your manager will be permitted to make audio/video recording during any stage of the procedure, unless this is pre-agreed as a reasonable adjustment.