



Flexible Working Policy

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This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

Important notice: During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

1. Policy statement

The Flexible Working Policy applies to both Police Officers and Police Staff (including employees of the Police and Crime Commissioner for Cleveland). The policy is based on mutual trust and requires the co-operation and flexibility of individuals, groups, and management to maximise the benefits to both the individual and the organisation.

This policy is in line with Police Regulations, the PSC (Police Staff Council) Handbook, and government legislation.

This policy must be applied fairly, equally, and consistently to all Police Officer and employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose

The purpose of this policy is to provide guidance on the operation of flexible working across Cleveland Police. The scheme is designed to give Police Officers and Police Staff flexibility around their working hours in order to facilitate work life balance. It will also ensure that service provision to the people of Cleveland is maximised within current staffing levels.

3. Underpinning procedures

3.1 Flexible and Part Time Working

As a result of the introduction of the Families Act 2014 the right to request flexible working, from June 2014, is now open to all eligible Police Officers and Police Staff.

Under the Act Cleveland Police has a statutory duty to deal with a request in 3 months (including appeal) from the date of submission. A failure to deal with any request within the required timeframe could lead to an Employment Tribunal, with costs being awarded to the claimant;

Managers and Supervisors are responsible for ensuring the following principles are upheld:

- A part-timer must receive no less favourable treatment by way of terms and conditions than a full-timer;
- A part-timer must not be subject to any detriment, by any act or deliberate failure to act on the part of the organisation;
- The 'pro rata principle' will apply to part-time individuals who must not receive less than the proportion which their weekly hours bear to the full-

- timers' weekly hours (unless it is inappropriate). However, there must be a valid objective business reason for less favourable treatment;
- Part-timers are not entitled to overtime pay at enhanced rate until they have completed the equivalent of full-time hours;
 - Part-timers will be allocated Bank Holidays on a pro rata basis;
 - Part-time workers will have equal access to Career Break Schemes, Parental Leave and Time Off for Dependants' Schemes;
 - All other benefits will be pro rata (i.e., shift allowance, unsociable hours, time off, sick pay, maternity pay etc., access to pension schemes and Annual Leave);
 - Part-timers should have equal opportunity for training and should be invited to attend full-time training courses for which they should be paid as a full-time comparator. However, alternative providers or distance learning etc. should be considered for those unable to attend full-time, in particular with Residential Courses. Individuals should not be excluded from training simply because they work part-time. Training should be scheduled so far as possible for individuals to attend.
 - Part-time Police Staff will not be treated less favourably than full-time Police Staff in a redundancy situation.

3.2 Requests for Flexible / Part Time Working

Individuals with a minimum of 26 weeks continuous service are eligible to submit a request for flexible working arrangements. It is important that those who wish to submit a request for flexible working understand that whilst the principles are supported, it will not always be suitable for all roles.

An individual wishing to request flexible working should complete the flexible working application form A06.10A, attached as Appendix 1, and submit this to their Head of Command (HOC) or Head of Service (HOS); whichever is applicable. The application must set out the flexible working arrangement requested and explain what effects, if any, the proposed change is considered to have on the team/service and how any such effects might be dealt with. The application must include a copy of the revised/suggested change to the individuals current shift pattern, completed on the appropriate pro-forma template document. These documents are different for police officers and police staff.

Within 28 days of the date of the application, the HOC or HOS must either agree to support the request and escalate it to the Resource Management Group (RMG) for formal ratification, and notify the individual accordingly in writing, or meet with the individual to discuss the request further. The template form A06.10B should be used, attached to this document as Appendix 2. The individual must be informed in writing (Appendix 3) of the date and time of the meeting and reminded of their right to be accompanied by either a Federation representative or Police Friend (Police Officer), or by Trade Union representative or a work colleague (Police Staff).

Within 7 days of the meeting the HOC or HOS must write to the individual informing him/her of the decision. The template form A06.10C should be used,

attached to this document as Appendix 4. If an application is not supported by the HOC or HOS the letter must set out the grounds for the decision. The template form A06.10D should be used, attached to this document as Appendix 5. This decision shall then be escalated to the RMG for formal ratification. The individual shall be advised of the decision of the RMG by the HOC or HOS.

Where a flexible working request is supported by a HOC or HOS a request to the RMG will be made to ratify the decision. If the request is ratified by the RMG the HOC or HOS must notify the individual in writing of the changes agreed and the date the changes come into effect. The HOC or HOS must also inform People Services who will check if there is a contractual change and ensure that relevant systems can be updated and if required payroll be informed.

If the application is not ratified by the RMG the individual will be advised of the decision in writing. If the individual wishes to appeal, he/she must state the wish to appeal in writing. The letter must be dated and sent to the Chair of the RMG within 14 days of the date of the letter confirming rejection of the application, setting out the grounds for appeal (A06.10D).

If an appeal is upheld without a meeting the individual must be informed in writing the changes agreed and the date they are to take effect within 14 days of the appeal letter being received.

If there is to be an appeal meeting the individual must be informed in writing (Appendix 6) of the date and time of the meeting by the Chair of the RMG and reminded of the right to be accompanied by either a Federation representative or a Police Friend (Police Officer) or by either a trade union representative or a work colleague (Police Staff).

Following the appeal meeting the Chair will notify the individual of the decision in writing within 7 days of the date of the meeting. The template form A06.10E should be used, attached to this document as Appendix 7.

If the appeal is upheld the individual must be given notice of the decision, the changes agreed and the date they are to take effect.

If an application for flexible working is declined the letter must state which business ground(s) forms the basis of the refusal and how it applies in this particular case and that there is no further right of appeal.

Individuals should note that in line with the legislation the organisation shall consider only one flexible working application in a 12 month period.

3.2.1 Office of the Police and Crime Commissioner for Cleveland (OPCC)

For the purposes of staff employed by the OPCC the initial request for flexible working should be presented to their line manager. The timescales involved for dealing with a flexible working request in the OPCC are the same as those outlined above in section 3.2. Where the line manager refuses to support a flexible working request the right to appeal shall be dealt with by either the Chief

or Deputy Chief of Staff; whichever is appropriate. The appeal process follows the same approach as that mentioned in section 3.2.

3.3 Extension to time limit to extend flexible working process

Where the approving authority wishes to extend the timescales to consider a flexible working request, to a longer period than stated in the legislation, the authority should complete template form A06.10F, attached to this document as Appendix 8.

3.4 Withdrawal of a flexible working request

Where an individual wishes to withdraw his/her request to work flexibly he/she should complete the template document A06.10G, attached to this document as Appendix 9.

3.5 Business Reasons for Declining an Application

Under the Employment Rights Act 1996, refusal to accept an eligible individual's application for flexible working must be based on one or more specific grounds. These 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 impact on performance;
- A detrimental effect on ability to meet customer demand;
- Insufficient work for the periods the employee proposes to work; and
- A planned structural change to the business.

For police staff (staff employed by the PCC or the Chief Constable) any change agreed will be a permanent change to their terms and conditions of employment, unless a trial or temporary period is agreed.

3.6 Where part-time working cannot be accommodated

Some requests to work part-time may be refused due to operational reasons. If this is the case the appropriate authority should provide feedback to the individual as to why this decision has been made. The appropriate authority should also consider whether there is another post that might be more suitable to part-time working and discuss this with the individual. A refusal may not be permanent and the decision may be reviewed at a later date if organisational circumstances change.

3.7 Temporary Changes of Hours due to a Domestic Situation

Occasionally individuals will have different caring situations to cope with during their service/employment. This may be on a short or long term basis.

The organisation will consider a variety of working options. For example, working some hours at home, varying hours of work (i.e. start, finish and lunch time), varying shift patterns, temporary reduction of hours. The emphasis will be on helping each individual in the best way possible but must not be to the detriment of service provision. Solutions will vary according to circumstances.

Options must be discussed with the senior management of the Command or the Service Unit who will assist in actively seeking solutions and take advice from an appropriate representative from People Services.

3.8 Advertisement of posts

All Police Officer and Police Staff posts are open to application on a part-time or job share basis unless specifically indicated in the advertisement. An individual may challenge why part-time/job share staff cannot be considered and will be entitled to written feedback of reasons by the appropriate Manager.

3.9 Part Time Working – Police Staff

All posts are suitable for job sharing or part-time working unless an exceptional case can be made.

Where an existing job sharer leaves, the remaining job sharer is to be given the opportunity to return to or to undertake full-time work.

The responsibility for negotiating a reduction in hours does not just lie with a Manager. The individual should also think through the situation and prepare a plan before entering negotiation. Both parties should be prepared to be flexible in seeking a successful solution that is of benefit to everyone.

3.10 Part Time Working – Police Officer

The provision of part-time working applies to all Police Officers regardless of rank and is defined as a Police Officer working on average less than 40 hours per week. Actual hours will be a matter of negotiation between the Police Officer and HOC or HOS. However, there is no guarantee that the individual will be granted a reduction in hours.

A Police Officer may apply to change the number of hours worked or the working pattern in line with flexible working legislation. Any request will be subject to discussion and negotiation. Those police officer's who have been working on a part-time basis and wish to return to working full-time, on giving written notice of their return to work full-time, be appointed by the Chief Constable within two months if there is a suitable vacancy. In any case, the officer will be appointed to a full-time post within four months of the written notice being received.

Every effort should be made to enable a Police Officer to remain part-time if this is their wish. Police Officers who join the force part-time do not have the right to move to full-time hours.

3.11 Part-time Working for Police Student Officers

Student Officers may apply to work part-time within the following constraints:

- The initial 30 week study period must be completed on a full-time basis;
- The probationary period will be a minimum of 2 years and will be extended on a pro rata basis to match the reduced average hours per week;
- Part-time Student Officers will not be exempt from working shifts, including night duty. As with all part-time workers rosters should be discussed and agreed by Local Management;
- Part-time Student Officers should work a shift pattern consistent with a named Supervisor to ensure continuity of supervision;

Applications from Student Officers to reduce the number of hours worked will be dealt with in the same way as with established Police Officers. Following confirmation of appointment Police Officers may apply to re-negotiate their hours/shift pattern.

3.12 Additional Hours worked by Part-time Police Officers

Where part-time Police Officers work additional hours they will be paid plain time rates for the extra hours worked. Part-time Police Officers will only qualify for overtime rates when the hours worked are in excess of full-time. Where a part-time Police Officer works over 8 hours for their scheduled days but less than 40 hours per week the additional hours will only attract plain time rates and not overtime rates. All extra hours worked for pay (up to 40 hours per week) will be pensionable.

Inspectors and Chief Inspectors receive fully inclusive salaries, but they can be expected to work unpaid hours in additional rostered hours.

3.13 Free Days and Rest Days

Free days will be dependent on the number of hours worked and the pattern worked. Free days must not be allocated on public holidays.

Where a Constable or Sergeant is required to work on a bank holiday, a free day, or a rest day he/she should be paid an allowance at the appropriate rate or allowed time off in lieu depending on the number of days notice given under Regulation 26.

Allowances should be paid at least on a pro rata basis unless an exception is justified on objective grounds. Allowances where a Police Officer is reimbursed for expenses will be paid in full to part-time Police Officers.

3.14 Records

People Services will record and monitor all changes affecting the working hours taken by a Police Officer or a Police Staff member. This will be recorded on the Oracle system.

4. Appendices

Appendix	Description
1.	Flexible Working Application Form (A06.10A)
2.	Flexible Working Acceptance Form (A06.10B)
3.	Invitation letter to individual to attend Flexible Working Meeting
4.	Flexible Working Rejection Form (A06.10C)
5.	Flexible Working Appeal Form (A06.10D)
6.	Invitation letter to individual to attend Flexible Working Appeal Meeting
7.	Flexible Working Appeal Response Form (A06.10E)
8.	Flexible Working Extension of Time Limit Form (A06.10F)
9.	Flexible Working Notice of Withdrawal Form (A06.10G)

5. Compliance and monitoring

The organisation expects every individual to act within approved policies and take appropriate professional advice as necessary.

All Police Officers and Police Staff should be briefed on the Part Time and Flexible Working policy at their induction and their attention drawn to key points.

The Head of HR will monitor the implementation of and compliance with this policy on an on-going basis.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.05.11	Policy Review Timetable	████████
1.0	June 2011	SDG agreed version	████████
1.1	Aug 2011	Revised Appendices to include invitation letters to flexible working meeting(s)	████████
1.2	July 2012	Updated as a result of Winsor 1	████████
1.3	July 2012	Updated as a result of Winsor 1 and force monitoring requirements for A06.10A	████████
1.4	July 2012	Change of Policy name from Part Time and Flexible Working	████████
1.5	Nov 2012	Policy amended to reflect introduction of PCC, statement only	████████
1.6	01.04.14	Policy amendment to include the Office of the Police and Crime Commissioner for Cleveland	████████
1.7	01.04.14	Policy amendment in light of legislative changes to flexible working under the Families Act 2014	████████
1.8	01.07.14	Policy amendment to reflect 8 valid business reasons for refusing a flexible working application	████████
1.9	01.10.14	Policy amend to reflect change in work flow for flexible working applications plus appeals	████████
1.10	24.08.15	Policy amend to request inclusion of shift pattern template with A06.10 flexible working applications	████████
1.11	09.08.16	Policy amended @ para 3.2	████████
1.12	June 18	Review date extended	████████
1.13	Oct 2019	Review date extended	████████
1.14	Apr 2020	Addition of COVID 19 message	████████
1.15	Jan 2021	Review – no changes required	████████

CLEVELAND POLICE**FORM FW(A): Flexible Working Application Form****Note to the Applicant**

You can use this form to make an application to work flexibly under the right provided in law.

Before completing this form, you may wish to read the guidance contained on the government website "DirectGov" concerning Flexible Working, which can be found at the following link:

http://www.direct.gov.uk/en/Employment/Employees/Flexibleworking/DG_10037051.

You should note that under the right it may take the organisation 3 months for a decision to be made or possibly longer (subject to agreement).

It will help Cleveland Police to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should forward a copy to your Head of Command/Head of Service (you might want to keep a copy for your own records). Cleveland Police will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. For police staff if the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:	Line Manager:
Job Title/Role:	Payroll No:
Location:	National Insurance No:

2a. Describe your current working pattern (days/hours/times worked):**2b. Describe the working pattern you would like to work in future (days/hours/times worked):****2c. I would like this working pattern to commence from: Date:****3. Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleagues as follows:

4. Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

Name: _____ Date: _____

Head of Command/Head of Service

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. You have 28 days after the day you received this application in which to either agree to support the request or arrange a meeting with the applicant to discuss their request. You should confirm receipt of this application to the applicant either in writing or via email within the 28 day timeframe to either 1) agree to support the request or 2) to arrange a meeting to discuss the request.

CLEVELAND POLICE**Form FW(B): Flexible Working Application Acceptance Form****Note to Head of Command/Head of Service**

You must write to the applicant within 7 days following the meeting with your decision. Whether you support or you do not support the flexible working request you must advise the individual that the Resource Management Group (RMG) ratifies all flexible working requests, whether supported or not. The flexible working request will be submitted to the RMG for formal ratification. Once a decision is made by the RMG this will be communicated to the applicant via the Head of Command / Head of Service.

Dear:

Following receipt of your application and the meeting on: Date:
RMG has considered your request for a new flexible working pattern.

- I am pleased to confirm that the organisation is able to accommodate your application.
- The organisation is unable to accommodate your original request.

Your new working pattern will be as follows:

Your new working arrangements will begin from: Date:

Note to the applicant (Police Staff only)

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

Name:

Date:

Job Title:

People Framework
Part Time and Flexible Working

Appendix 3

Sample letter - Invitation to a Flexible working meeting

Dear [insert name]

I would like to invite you to attend a meeting to discuss your request for flexible working which you submitted on the force pro-forma document on [Insert date]. The meeting has been arranged for [insert date] and will begin at [insert time]. The meeting will be held at [insert location].

The meeting will be chaired by me [insert name]. You may wish to be accompanied at the meeting by a Police Federation representative or a Trade Union representative [delete as appropriate], or a work colleague of your choice.

The purpose of the meeting is to allow you to explain your flexible working request in more detail and for me to understand how this request may impact upon the operational requirements of the department.

If you are unable to attend the meeting, you must inform me of this fact as soon as possible.

Should you have any queries about the flexible working procedure please contact a representative from People Services on [insert contact details] who will be happy to discuss the process with you.

Yours sincerely

[Insert name and job title]

CLEVELAND POLICE**Form FW (C): Flexible Working Application Rejection Form****Note to Head of Command/Head of Service**

You must write to the applicant within 7 days following the meeting with your decision. This form can be completed by you when declining an application. Before completing this form you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances. (The list of the permissible business grounds under which a request may be refused are detailed on:-

http://www.direct.gov.uk/en/Employment/Employees/Flexibleworking/DG_10037051.

Dear:

Following receipt of your application and the meeting on: Date:

I have considered your request for a new flexible working pattern.

I am sorry but the organisation is unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

(You should explain why any other work patterns discussed at the meeting are also inappropriate.)

If you are unhappy with the decision you may appeal against it. Details of the appeal procedure are set out below.

Name:

Date:

Job Title:

The Appeal Process**To the applicant**

If Cleveland Police turns down your request for flexible working, you have the right to appeal* against the decision. If you wish to appeal, you must write to Cleveland Police setting out the grounds for your appeal, within 14 days after receiving written notice of this decision.

To Chair of the RMG

If the organization rejects the applicant's request for flexible working, the individual has the right to appeal against the decision.

If the applicant appeals against the decision to refuse a request for flexible working, you must arrange a meeting between you and the applicant to discuss the appeal within 14 days after receiving the appeal letter.

After the meeting has been held, you must write to the applicant within 7 days to notify him/her of the outcome of the appeal.

CLEVELAND POLICE**FORM FW(D): Flexible Working Appeal Form****Note to the applicant**

If your application has been refused, you may appeal against the decision. You can use this form to make your appeal. You should set out the grounds on which you are appealing, and do so within 14 days of receiving written notice that your application for flexible working has been turned down.

Chair of the RMG

This is a formal appeal made under the legal right to apply for flexible working. You have 14 days following the receipt of this form in which to arrange a meeting with the individual to discuss their appeal.

Chair of the RMG

I wish to appeal against the decision to refuse my application for flexible working. I am appealing on the following grounds:

Name:

Date:

Job Title:

Location:

People Framework
Part Time and Flexible Working

Appendix 6

Sample letter - Invitation to a Flexible working Appeal meeting

Dear [insert name]

I would like to invite you to an Appeal meeting to discuss your flexible working request which was not supported by the Resource Management Group (RMG) at a meeting on [Insert date]. The reason(s) provided for the request not being supported are: [Insert reason(s)]

The Appeal meeting has been arranged for [insert date] and will begin at [insert time]. The meeting will be held at [insert location].

The meeting will be chaired by me [insert name] with [Insert name and job title] taking notes and providing HR guidance. You may wish to be accompanied at the meeting by a Police Federation representative or a Trade Union representative [delete as appropriate], or a work colleague of your choice.

The purpose of the meeting is to allow you to explain your flexible working request in more detail and for me to review the decision taken by the RMG in order to ascertain whether your request can be accommodated. I have to advise you that whatever the outcome of the decision reached at the Appeal meeting that there is no further right of appeal.

If unsuccessful at appeal, I have to advise you that you would not be able to re-apply for flexible working, until 12 months have elapsed.

If you are unable to attend the meeting, you must inform me of this fact as soon as possible.

Should you have any queries about the flexible working procedure please contact a representative from People Services on [insert contact details] who will be happy to discuss the process with you.

Yours sincerely

[Insert name and job title]

CLEVELAND POLICE**Form FW(E): Flexible Working Appeal Reply Form****Chair of the RMG**

You may complete this form when replying to an appeal that an application to work flexibly has not been properly considered. You must return this form to the applicant giving notice of your decision, within 7 days after the meeting at which you both discussed the appeal. If you decide to turn down the appeal, you must state the grounds for your refusal.

Dear:

Following our meeting on: Date:

I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from: Date:

Note to the applicant (Police Staff only)

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

I am sorry but I must reject your appeal for the following ground(s):

The ground(s) apply because:

Name:

Date:

Job Title:

CLEVELAND POLICE

Form FW(F): Flexible Working Extension of Time Limit Form

Head of Command/Head of Service

This form is provided for you to complete when confirming agreement with the applicant that you wish to extend a time limit for part of the procedure, from that set out in the regulations. You may extend the time limit for any part of the process, providing the applicant agrees to the extension. An email may be sent with a copy retained on the personal file.

Dear:

I wish to extend the amount of time that the regulations allow me to:

- Arrange a meeting to discuss your application (28 days)
- Notify you of my decision regarding your application (7 days)
- Submit the Request to the RMG for formal ratification and advise the individual of the outcome (28 days).
- Arrange a meeting to discuss your appeal (14 days)
- Notify you of my decision regarding your appeal (7 days)

I wish to extend the time limit to _____ days. This means that I will have until: _____ to complete the necessary action. I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it to me.

Signed:

Date:

NOW PASS THIS APPLICATION TO THE APPLICANT

Note to the applicant

To allow proper consideration of your request, your employer may wish to extend the permitted time limit for any part of the process. Your employer will need your agreement to any extension of the time limit. If you agree to the above request, please complete the agreement slip below and return it to your employer.

✂.....

Cut this slip off and return it to your employer in order to confirm your acceptance of their request. Alternatively an email can be sent.

Applicant's Agreement to Time Extension

(to be completed and returned to Head of Command/Head of Service)

Dear:

I accept your request to extend the amount of time to

Signed:

Date:

CLEVELAND POLICE**Form FW(G): Flexible Working Notice of Withdrawal Form****Note to the applicant**

This form provides notification to Cleveland Police that you wish to withdraw your application to work flexibly.

Once you have withdrawn your application you will not be able to make another application until 12 months from the date of the original application.

I wish to withdraw my application to work flexibly which I submitted to you on .

Name:

Date:

NOW RETURN THIS FORM TO YOUR PEOPLE SERVICES REPRESENTATIVE

Note to People Services

Once the applicant has completed this form and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration.

You should email the individual to confirm this.

Organisation's Confirmation of Withdrawal (draft email)

Dear

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on .

From: Name:

Date:

Job Title:

(Copy to be held on personal file)