

POLICY – FLEXIBLE WORKING

Owned by: General Manager

Date passed: 22/06/20

Body passing: Trustees

Review required: 21/06/23

1 Policy statement

- 1.1 We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure. Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons (see 5.2).
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 We are committed to ensuring this policy is effective and is brought to the attention of all staff.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 **Scope and purpose of the policy**

- 2.1 This policy applies to all eligible employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Changes made to employees working patterns will constitute either a permanent change or a timed change; this will be made clear at point of approval. Unless otherwise specified there is no entitlement to revert to original working patterns, although any request to do so will be considered.
- 2.3 Where agreed with the employee, at such times as it may become necessary, we may ask you to temporarily work from a different location, including home. Where practicable will provide resource to allow you to do so.

3 **Personnel responsible for implementing the policy**

- 3.1 The General Manager has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework; the General Manager has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Trustee Board.
- 3.2 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote our aims with regard to flexible working.
- 3.3 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with objects. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the General Manager.

4 Forms of flexible working

4.1 Flexible working can incorporate a number of possible changes to working arrangements:

- 4.1.1 reduction or variation of working hours;
- 4.1.2 reduction or variation of the days worked; and/or
- 4.1.3 working from a different location (for example, from home).

Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some examples of these definition can be found in the appendices below.

5 Eligibility for the formal right to request procedure

5.1 Requests under the formal procedure set out in Paragraph 6 to Paragraph 9 of this policy can only be made by employees who meet the criteria set out below.

5.2 To be eligible to make a request under the formal procedure, you must:

- 5.2.1 be an employee;
- 5.2.2 have worked for us continuously for 26 weeks at the date your request is made;
- 5.2.3 not have made a formal request to work flexibly during the last 12 months.

5.3 If you are not eligible to make a formal request, you may make an informal request.

6 Making a formal flexible working request

6.1 Any employee interested in flexible working is advised to speak informally with their line manager to discuss their eligibility, the different

options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a formal or informal request.

6.2 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

6.3 Your written and dated application should be submitted to your line manager and, in order to meet the requirements of the formal procedure and to help your line manager consider your request, should:

6.3.1 state that it is a flexible working request;

6.3.2 explain the reasons for your request, especially if you think our Equality Policy may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;

6.3.3 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;

6.3.4 identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;

6.3.5 provide information to confirm that you meet the eligibility criteria set out in Paragraph 5 of this policy;

6.3.6 state whether you have made a previous formal request for flexible working and, if so, when; and

6.3.7 be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.

- 6.4 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your line manager will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 6.5 If your proposal cannot be accommodated, discussion between you and your line manager may result in an alternative working pattern that can assist you.

7 Formal procedure: meeting

- 7.1 Where necessary, your line manager will arrange to meet with you after your application being submitted. You may bring a colleague to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not ask or answer questions on your behalf.
- 7.2 In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.
- 7.3 The meeting will be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 7.4 Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your area of work.

8 Formal procedure: decision

- 8.1 Following the meeting, your line manager will notify you of the decision in writing as soon as possible.

- 8.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.
- 8.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent.
- 8.4 If your line manager needs more time to make a decision, they will discuss this with you. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request.

In these circumstances, your line manager will write to you:

- 8.5.1 giving the business reason(s) for turning down your application;
- 8.5.2 explaining why the business reasons apply in your case; and
- 8.5.3 setting out the appeal procedure.
- 8.6 The eight business reasons for which we may reject your request are:
- 8.6.1 the burden of additional costs is unacceptable to the organisation;
- 8.6.2 detrimental effect on ability to meet customer/member demand;
- 8.6.3 inability to reorganise work among existing staff;

- 8.6.4 inability to recruit additional staff;
- 8.6.5 detrimental impact on quality;
- 8.6.6 detrimental impact on performance;
- 8.6.7 insufficiency of work during the periods that you propose to work; and
- 8.6.8 planned changes.

9 **Formal procedure: appeal**

- 9.1 If your request is rejected, you have the right to appeal.
- 9.2 Your appeal must:
 - 9.2.1 be in writing and dated;
 - 9.2.2 set out the grounds on which you are appealing; and
 - 9.2.3 be sent to the General Manager within 14 days of the date on which you received the written rejection of your request.
- 9.3 The General Manager will arrange for a meeting to take place. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague.
- 9.4 Where possible, the appeal meeting will be conducted by a manager who has not been previously involved in considering your request.
- 9.5 You will be informed in writing of the decision as soon as possible after the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical

matters, such as arrangements for handing over work that your line manager will discuss with you.

- 9.7 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

10 Extending time and withdrawal

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your line manager will write to you confirming the extension and the date on which it will end.

- 10.2 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

10.2.1 you fail to attend two meetings under the formal procedure without reasonable cause; or

10.2.2 you unreasonably refuse to provide information we require to consider your request.

In such circumstances, your line manager will write to you confirming that the request has been treated as withdrawn.

11 Making an informal flexible working request

- 11.1 Employees who wish to make an informal request for flexible working may make a request to their line manager, who will consider it according to our business and operational requirements.

- 11.2 It will help your line manager to consider your request if you:

11.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;

- 11.2.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- 11.2.3 think about what effect the changes to your working pattern will have on the work that you do and, on your colleagues,, as well as on our service delivery and that of your team. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. Your line manager can consider whether they are workable; and
- 11.3 Your line manager will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

12 **Monitoring and review of the policy**

- 12.1 This policy is reviewed triennially by the Trustee Board.
- 12.2 We will continue to review the effectiveness of this policy to ensure it is fit for purpose.

Appendix 1 – Examples of flexible working

1. **Flexitime**

Flexitime enables an employee to work more or less than their contracted weekly hours and then take back or make up the time at a later date, within certain constraints. Flexitime is worked in accordance with both the individual and the organisations need. Flexitime schemes may range from the daily recording of hours, with flexibility in hours worked and the ability to carry forward credits and deficits in hours from week to week, to more restricted flexi-time practiced only on occasions with the express permission of line management.

2. **Home working**

An employee may request to work from home on occasion. This is at the discretion of their line manager subject to the formal or informal process above. The manager will also consider whether:

- It will adversely affect the organisation
- The individual has sufficient work to carry out at home
- The manager has no reason to doubt whether the work will be completed
- It is mutually advantageous, to both the employee and the Union, for the work to be carried out at home
- The output is measurable, as the manager will only be able to assess whether the task has been completed, rather than the hours that were put in
- The individual has the necessary facilities/equipment to carry out the work at home

Home working will normally only be considered on an occasional basis. When the Union work to be undertaken at home is at the request of the individual, the Union will not normally provide or pay for equipment and facilities at

home as office space, facilities and equipment are already provided on Union premises.

When working from home an employee has responsibility for promoting the health and safety of themselves and their environment when working at home.

3. Alternative working patterns

Alternative working patterns that might be considered are outlined below, although the list is not exhaustive. These will be considered in further detail with the individual concerned, should a request be made.

Part Year Working This is normally determined upon the establishment of the post and is only suitable where the employee is not required to work for a significant proportion of the year (e.g. term time only). The number of weeks' worked across the year vary from contract to contract, in line with the organisations need. The exact dates of the weeks' to be worked are reviewed each year and subject to change.

Annualised Hours Contractual hours are calculated over a year, rather than a week. The actual hours worked each day, week and month can then vary in accordance with organisational needs, as long as the contractual hours are met by the end of the year. This has great benefits for roles where there are peaks and troughs in the workload.

Part Time Hours An employee may request to reduce their hours of work. The ability to re-distribute the workload and potential consequences of this (e.g. on customer/member service) are important considerations when determining whether the request can be met.

Staggered Hours The contractual daily hours are worked, but with staggered start and finish times, e.g. 7am – 3.20pm or 9.40am – 6pm. The impact of this on work, customers, members and colleagues are important considerations when determining whether such a request can be met.