



FLEXIBLE WORKING POLICY

1. Introduction

- 1.1 Flexible working can be a useful tool to help employees achieve a satisfactory work/life balance and where it is possible the College will accommodate flexible working requests. However, it is the case that on occasions the potential impact on the College means that a flexible request cannot be accommodated. In such circumstances this will be explained fully to the member of staff.

2. Flexible Working Regulations

- 2.1 Current statutory provision under the Flexible Working Regulations enables eligible employees to make requests to work flexibly providing they meet the following eligibility criteria:

- they have been employed by the College continuously for at least 26 weeks on the date they make their request;
- they have not made another statutory request during the past 12 months.

3. Benefits of flexible working

- 3.1 The use of flexible working patterns can be of benefit to both employees and employers. Benefits to the College can include:
- Improved efficiency and cost savings;
 - The extension of service provision outside of normal office hours;
 - Ability to respond to changing demands throughout the academic year;
 - Recruitment and retention of high quality staff;
 - Encouraging equality of opportunity and reflecting diversity;
 - Reduced absenteeism;
 - Increased loyalty and motivation.

All such potential benefits should be considered when reviewing a request.

4. Procedure for a Flexible Working requests

- 4.1 To make a formal application for flexible working, the employee must provide the following information:
- the date of the application
 - a statement that this is a statutory request
 - details of how the employee wants to work flexibly and when they want to start
 - an explanation of how they think flexible working might affect the business and how this could be dealt with, eg. if they're not at work on certain days
 - a statement saying if and when they've made a previous application

To facilitate this an application form has been provided.

- 4.3 When making an application for flexible working, the employee should also consider:

- the impact on their ability to meet their targets/deadlines and/or customer service requirements;
- the impact on the rest of the team or department, including consideration of other flexible working arrangements already in place;
- whether there are any security or health and safety concerns;
- any additional costs incurred or resources required as a result of a change in working arrangements.

4.4 On receipt of the application, the Decision Manager (usually the line manager or the countersigning manager) will consider the application.

4.5 A decision must be reached within three months of the application, although this may be longer if agreed with the employee.

5. Meeting

5.1 On receipt of an application the Decision Manager should arrange to talk to the employee about the application.

5.2 The meeting should be as soon as possible but ideally no later than 28 working days from the date of the application. The employee has a right to be accompanied at the meeting by a work colleague or Trade Union representative. Human Resources will usually attend the meeting in an advisory capacity.

6. Decision

6.1 The Decision Manager should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and your business and weighing these against any adverse business impact of implementing the changes. In considering the request the manager must not discriminate unlawfully against the employee.

6.2 Once the Decision Manager has reached a decision, the employee must be informed of that decision as soon as possible. This should be done in writing as this can help avoid future confusion on what was decided.

6.3 If the decision is to accept the employee's request, or accept it with modifications, the Decision Manager should discuss this with the employee, including how and when the changes might best be implemented. A decision to agree will bring about a change to the terms and conditions of employment.

6.4 If the decision is to reject the request it must be for one of the following business reasons as set out in the legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

6.5 If a request is rejected the Decision Manager should allow the employee to appeal the decision. It can be helpful to allow an employee to speak with you about your decision as this may reveal new information or an omission in following a reasonable procedure when considering the application.

7. Timing

- 7.1 The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless an extension is agreed with the employee.
- 7.2 If the Decision Manager arranges a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, the employer can consider the request withdrawn. In such circumstances the employee must be informed.

8. Appeal

- 8.1 If the employee is not satisfied with the decision, they may raise an appeal. The appeal should be sent, in writing, to the HR Director within 10 working days of the date of the decision letter and should set out the grounds of appeal. The HR Director will appoint an Appeal Manager.
- 8.2 The Appeal Manager may invite the employee to a meeting. If so, the employee has the right to be accompanied at the meeting by a Trade Union representative or work colleague. The meeting should be held as soon as possible, but no later than 10 working days from the date of the appeal. HR will attend the meeting in an advisory capacity.
- 8.3 The Appeal Manager will consider the facts of the case and may, if necessary, adjourn to collect and consider further evidence.
- 8.4 The Appeal Manager will prepare a decision letter outlining:
- the outcome of the appeal;
 - the reasons for the decision and how they relate to the grounds for the appeal;
 - any actions agreed to resolve the situation or to provide redress if the appeal is upheld; and
 - a reminder that there is no further appeal.

9. Withdrawal of an Application by an Employee

- 9.1 The College will treat an application as withdrawn under the statutory provisions where the employee:
- has notified the employer, orally or in writing, that the application is withdrawn;
 - without reasonable cause, the employee fails to attend a meeting or appeal meeting more than once; or
 - without reasonable cause, the employee has refused to provide the employer with information the employer requires in order to assess whether a contract variation should be agreed.

In such circumstances the College will confirm the withdrawal of the application to the employee in writing unless the employee has already provided written notice of the withdrawal.

10. Trial Periods

- 10.1 In some circumstances the Decision Manager may consider a trial period, for up to three months, to see whether a different working arrangement could work. At the end of the three months, both the employee and the Manager must consider the application again and reach a decision on whether the arrangement is one which should be made permanent. During the trial period the manager must monitor the arrangements carefully.
- 10.2 Trial periods are not encouraged, it is generally better for both the College and the employee to reach a considered decision on the original application.