

Flexible Working Procedure

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Nov 2020	Walter Kane	1	New Procedure in line with the new templates

Summary of Changes

Section	Change
All	New procedure



Flexible Working Procedure

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1.0 Introduction

The purpose of the flexible working procedure is to describe the steps that will be taken when an employee makes a statutory flexible working request.

This procedure should be read in conjunction with the Flexible Working Policy (HR25).

2.0 Who do I Contact about Flexible Working?

An employee who thinks they may benefit from flexible working should initially contact their line manager to arrange an informal discussion to talk about the options.

3.0 Flexible Working Options

The following flexible working options are considered to be the typical arrangements that employees may request. Ark recognises that there may be other alternatives or a combination of options which are suitable to both the organisation and the employee:

- Compressed hours
- Flexitime
- Home-working
- Job-sharing
- Part-time working
- Overtime
- Annualised Hours
- Relief

3.1 Compressed hours

This is when an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days.

3.2 Flexitime

This allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of [four weeks/a month]. Their hours of attendance will be recorded and added up at the end of each accounting period.

3.3 Home Working

Is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. Ark will consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement. For further information see HR13 Mobile Working Policy

3.4 Job Sharing

Is when a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Ark will consider Job Sharing when the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.

3.5 Part Time Working

This covers any arrangement where an employee is contracted to work anything less than typical full time hours. For example, an employee who only works Monday to Wednesday or Monday Thursday and Saturday. Ark believes where possible all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements.

3.6 Overtime

Is when hours are worked in addition to the usual full time hours. Overtime can be agreed where the organisation would benefit from an employee working more hours. This is voluntary and an employee can refuse overtime if they wish. Overtime will be paid at the employee's normal hourly rate except from the statement below

3.7 Annualised Hours

In an annual hours system an employee works a certain number of hours over the whole year, but with a certain degree of flexibility about when those hours are worked. Normally, a period of regular hours or shifts forms the core of the arrangement, with the remaining time left unallocated and used on an 'as needed' basis.

4.0 Eligibility

You have the right to make a flexible working request if:

- You have worked for your employer for at least 26 weeks
- You are legally classed as an employee
- You have not made any other flexible working request in the last 12 months

5.0 How to Make a Statutory Flexible Working Request

The employee can apply using the appropriate Flexible Working Request form (this can be found in appendix 1) and their application must include:

- The date of the application
- The changes that the employee is seeking to their terms and conditions
- The date from when the employee would like the proposed change to come into effect
- What effect the employee thinks the requested change would have on the service/function
- How, in their view, any such effect could be dealt with
- Whether this is a statutory or non-statutory request
- Whether a previous application for flexible working has been made and the date

Employees must give at least 4 weeks notice to Ark of when they would like their flexible working request to start. The more notice the employee gives the more likely Ark will be able to implement the change when they want it.

5.1 Discussing the Request

Upon receiving a written request for flexible working the employees line manager will arrange a meeting with the employee to:

- Discuss the request
- Find out more about the proposed working arrangements
- How it could be of benefit to both the employee and organisation

The meeting will be held within [28 days] of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and line manager.

The employee will be given advance notice of the time, date and place of the meeting. Please note this meeting may not be face to face. If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and line manager the meeting may be held remotely using the telephone or by MS Teams.

At the meeting the employee may, if they wish, be accompanied by a workplace

colleague or a trade union representative. However there is no legal right to bring someone.

5.2 Responding to a Flexible Working Request

Where a request can, without further discussion, be approved as stated in the employee's written application a meeting to discuss the request may not be necessary. The employee will be informed of the organisation's agreement to the request confirmed in writing 14 days of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and the line manager.

If a meeting is held, the employee will be informed in writing of the organisation's decision as soon as is reasonably practicable, but no later than 14 days after the meeting.

The request may be granted in full, in part or refused. Ark may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements.

Confirmation will include:

- The agreed change
- When the change will start
- How long the change will last, if for a fixed period of time
- A review date, if the change will be looked at to see how it's going

Ark may refuse the variation in which case a written notice will be issued which will identify on which of the permitted grounds the application was refused. The letter will also provide an explanation as to why those grounds apply, and set out the appeal procedure.

Ark will consider requests in a reasonable manner and can only refuse them if there is a business reasons for doing so, this reason must be from the following list:

- 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
- Any planned structural changes to the organisation

5.3 Right to Appeal

If you feel that the decision was wrong or unfair you can raise this informally first with your line manager.

It can help to:

- Explain why you feel the decision was wrong or unfair
- Share any information that was missed or not available when your employer made the decision
- Share any evidence if the request was not handled reasonably
- Listen to your managers reasons for their decision
- Suggest any compromises you are willing to make

You can also deal with the appeal in writing. The employee has the right to appeal against a decision not to approve their request for flexible working and this must be done within 14 days after the date on which the notice of decision was given.

The notice of appeal must be addressed to the appropriate line manager and must outline the grounds for appeal. This can be done using the appeal form which can be found on appendix 2. A meeting will be arranged at which you have the right to be accompanied. The outcome of the appeal will be sent to you in writing within 14 days of the date of the appeal meeting.

5.4 Trial Periods

Where there is uncertainty about whether the flexible working arrangement is practicable for an employee and/or Ark a trial period can be agreed.

If a trial period is arranged Ark will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

Where a trial period has been arranged the Ark will provide the employee with a written agreement that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract.

The employee will be informed in writing of the start and end dates of the trial period (although Ark may reduce or lengthen the trial period where necessary with the agreement of the employee). Ark will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

6.0 Contractual Variation

Once Ark has agreed to the changes requested in the application, a permanent variation of the contract will result, unless the manager agrees otherwise. Once a change has been made, the employee cannot revert to the previous terms and conditions of employment.

7.0 Withdrawing an Application for Flexible Working

An employee has the right to withdraw their application for flexible working before their terms and conditions have been changed. However if they withdraw their application they will not be able to make another application until 12 months from the date the original application was made.

8.0 Implementation and Review

8.1 Implementation

The Head of People & Organisational Development is responsible for ensuring this procedure is implemented when required.

8.2 Review

The Head of People and Organisational Development will ensure that this procedure is reviewed at least every three years.

Appendix 1

Statutory Flexible Working Request

Note to the employee

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

You should note that under the right it may take up to 3 months for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your manager

Once you have completed the form, you should immediately forward it to your manager (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Statutory Flexible Working Request

1. Personal Details

Name:

Payroll number:

Manager:

Service/Location

To the employer

I would like to apply to work a flexible working pattern that is different to my current work pattern and I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

If you are unable to meet the criteria above then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your employer. Many employers offer flexible working to their staff as best practice.

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

Describe how you think this change will impact the service and/or colleagues

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

4. Accommodating the new working pattern

Describe how you think the effects of this on the service and/or colleagues might be dealt with.

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

Name:

Date:

NOW PASS THIS APPLICATION TO YOUR LINE MANAGER

Ark MANAGER

Please confirm receipt of the application to the employee via email or letter. The blurb below can be used as a guide.

Employer's Confirmation of Receipt (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

Date:

I shall notify you of my decision on this application within three months of this date, unless we agree a longer deadline for this decision.

Appendix 2

Flexible Working Appeal Form

Note to the employee

If your application has been refused, you may appeal against this 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.

Dear: _____

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

(Please continue on a blank sheet if necessary).

Name: _____ Date: _____

NOW RETURN THIS FORM TO HUMAN RESOURCES