

# Flexible Working Procedure

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<input type="checkbox"/> Board of Management <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM,OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other: _____	
<b>Method of Delivery</b>			
<input type="checkbox"/> Learn Pro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (eg. Agencies)		<input type="checkbox"/> Policy Owner to Notify (eg. Contractors) <input checked="" type="checkbox"/> Other: Handbook Update	
<b>Stakeholder Consultation Completed</b>			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input checked="" type="checkbox"/> C&S Managers (RM,OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input checked="" type="checkbox"/> Other: Policy & Procedure Review Group	

## Version Control

Date	Owner	Version	Reason for Change
Jan 2025	Michael Catlin	2	Cyclical policy review and updating to new guidance

## Summary of Changes

Section	Change
All	Updated to reflect new guidance. New eligibility and timeframes for responding and requesting.
2.0	Updated flexible working options.
2.6	Flexi-time clarified position on max and minimum carryover and how much can be used per month.
4.0	Update on eligibility.
5.0	Updated wording.
5.1	Updated timeline.
5.3	Updated appeal dates and confirmed statutory right information.
6.0	Added in information around reasonable adjustments.
9.0	Updated request wording.
Appendix 1	Appendix updated.
Appendix 3	Added link.

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## 1.0 Introduction

Ark encourages staff to consider flexible working arrangements. Ark recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, we want to support employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. Ark is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met. It is Ark's policy to encourage open discussion with employees. If an employee thinks they may benefit from flexible working, they can either:

- Contact their line manager to arrange an informal discussion to talk about the options or,
- Submit a flexible working request, by following the steps in this procedure.

After any informal discussion has taken place and the employee wishes to proceed, the Flexible Working procedure must be followed to ensure fairness and consistency across the organisation.

This procedure should be read in conjunction with the Flexible Working Policy (HR25). This procedure does not form part of the employment contract, and can be amended at any time.

## 2.0 Flexible Working Options

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

All employees have the legal right to request flexible working. Employees can request a change to:

- The number of hours they work;
- When they start or finish work;
- The days they work;
- Where they work.

This can be in the form of and is not limited to:

- Job Sharing;
- Remote Working;
- Working from Home;
- Part Time;
- Compressed Hours;
- Flexitime;

- Staggered Hours.

## 2.1 Job Sharing

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 wish 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.

## 2.2 Remote Working & Home Working

Remote working means working from somewhere other than the usual workplace.

For example:

- Working from home;
- Working from a mixture of offices, coffee shops and hotels;
- Choosing where to work within agreed limits.

Employers and employees should agree:

- Where's suitable to work remotely;
- How to keep in touch;
- How to keep safe.

Remote/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 homeworking 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 Agile Working Policy.

## 2.3 Part Time Working

This covers any arrangement where an employee is contracted to work anything less than typical full-time hours. 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.

## 2.4 Compressed hours

Compressed hours mean working the same total hours over fewer days.

## 2.5 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. Their hours of attendance will be recorded and added up at the end of each accounting period.

An employee can carry over an excess of up to 15 hours or a deficit of up to 8 hours from one accounting period to another. Anything over 15 will be discounted. A deficit of hours should be made up in the following accounting period. An employee can use excess hours to either reduce attendance outside of core hours or take additional leave (flexi leave). Flexi leave is subject to a maximum of 2 full days (a full day is based on your normal working hours as per your contracted hours) in any accounting period. An employee should request and agree flexi leave with their line manager, in the same way as annual leave.

Flexi-time sheets are available on the general drive. An example of a full-time flexi sheet is available in appendix 3.

Flexitime does not apply to front line Care & Support roles due to the nature of shift patterns.

## 2.6 Staggered Hours

Staggered hours mean having a different start and finish time to other employees. For example, working from 7am to 4pm instead of 9am to 6pm.

## 3.0 Our Approach to Flexible Working

Ark is committed to providing a range of appropriate working patterns.

Where a flexible working arrangement is requested, Ark will take into account a number of criteria. This includes:

- The costs associated with the proposed arrangement;
- The inability to reorganise the work among other staff;
- If we cannot recruit more staff;
- If there will be a negative effect on quality of work;
- If there will be a negative effect on the business's ability to meet customer demand;
- If there will be a negative effect on performance;
- If there's not enough work for the employee to do when they've requested to work;
- If there are planned changes to the business, for example, intending to reorganise or change the business and think the request will not fit with these plans.

Ark is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

## 4.0 Eligibility

All employees have a statutory right to request flexible working from the first day of employment.

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

- You are legally classed as an employee;
- You have not made any more than 2 other flexible working requests in the last 12 months.

## 5.0 How to Make a Statutory Flexible Working Request

An employee is entitled to submit 2 statutory flexible working requests in a 12-month period.

An employee can only have one live request at a time. A request will stay live until any of the following happen:

- The organisation makes a decision on the request;
- The employee withdraws the request;
- The employee and organisation agree an outcome;
- It's been 2 months since the date of the request.

All requests must be made by using the appropriate Flexible Working Request form (this can be found in Appendix 1) and their application must include:

- The date of the request;
- 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.

If the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in the request.

If a request does not contain all of the required information, either Ark's HR department or the line manager will advise the employee what else they need to provide and ask the employee to resubmit the request.

## 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 as soon as possible of the organisation receiving the request. This will normally be within 10 working days. 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.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their request will be deemed to have been withdrawn.

## 5.2 Responding to a Flexible Working Request

The organisation will make a decision on all requests, including any appeal within a maximum of 2 months. This time limit may be extended with the agreement of both the employee and their line manager. The line manager will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to the organisation in implementing the proposed changes. If the manager is unsure at any stage they must contact HR. If the manager decides to refuse the request they must discuss this with HR in the first instance.

Each request will be considered on a case-by-case basis, in the order they are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

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 within 10 working days of the meeting or agreement to the request.

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 or permanent;
- A review date agreed by both parties, if the change will be looked at to see how it's going.

### 5.3 Refusing the request

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 as detailed above in section 3.

### 5.4 Right to Appeal

There is no statutory right to appeal. However, within Ark an employee has the opportunity to appeal the decision if their request is refused or is only agreed in part.

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 5 days after the date on which the notice of decision was given. This should be done in writing and clearly state the reasons for the appeal.

The notice of appeal must be addressed to the HR Department and must outline the grounds for appeal. This can be done using the appeal form which can be found on appendix 2. The appeal will be heard within 5 working days and 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 10 working days of the date of the appeal meeting to allow for the manager to look into the request. These time limits may be extended with the agreement of both the employee and the appropriate manager.

## 6.0 Requesting a reasonable adjustment

Ark is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

To request a reasonable adjustment, send your request by email or letter to your manager and include:

- That you're making a request for a reasonable adjustment under the Equality Act 2010;
- The adjustment you're requesting.

Your manager will discuss your request with you within 10 working days of the organisation receiving the request. The outcome will be confirmed in writing within 10 working days of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and manager.

## 7.0 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. In this situation, the organisation will give the employee 4 weeks' notice.

## 8.0 Contractual Variation

Where flexible working practices are agreed as a permanent change, any variation to the employee's terms and conditions will be put in writing. Written confirmation of the changes will be sent to the employee within one month of the change being agreed.

If the employee has any questions or concerns they should contact either their line manager or the HR department.

## 9.0 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.

## 10.0 Implementation and Review

### 10.1 Implementation

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

### 10.2 Review

The Head of People and Organisational Development will ensure that this procedure is reviewed at least every five 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 2 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 am an Ark employee
- I have not made more than 2 requests to work flexibly under this right during the past 12 months.

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

#### **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 two 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 5 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 PASS THIS APPEAL TO HUMAN RESOURCES***

## Appendix 3



Blank Flexi Sheet  
37.xls