

Flexible Working Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.

Introduction

Wheatley Care appreciates that employees have responsibilities and commitments outwith the workplace. This policy allows employees to manage the balance between work and home, meeting individual's needs as well as the organisations. Should you wish further information or clarification on this policy or the flexible working forms please contact your line manager or the Human Resources Officer.

'Flexible working' is a phrase that describes any working pattern adapted to suit your needs. Employees may request changes in their working arrangements but do not have the right to have them granted.

Types of Flexible Working Options

- Change in the number of contracted hours
- Change in the pattern of work
- Change in the place of work

Eligibility

All employees, regardless of length of service, can ask Wheatley Care for flexible working arrangements.

How Often Can An Application Be Made?

There is a statutory right to one application every 12 months. Each year runs from the date when the application was made.

Will The Change of Working Pattern Be Permanent?

Any changes agreed will normally be a permanent change to the employee's contractual terms and conditions. The employee has no right to revert back to their previous working pattern (unless otherwise agreed).

The agreement can however be for a fixed term period with a date for review with the agreement of both parties.

Employees' Responsibilities

- To provide a carefully thought-out application
- To ensure their application is fully completed and all the necessary information has been provided
- To ensure the application is made well in advance of when they want it to take effect, where possible
- To arrive at meetings on time and be prepared to discuss their application in an open and constructive manner
- If necessary, be prepared to be flexible themselves in order to reach an agreement with their line manager

Line Managers' Responsibilities

- To consider requests properly in accordance with the procedure
- To ensure they adhere to the time limits contained within the procedure
- To provide employees with appropriate support and information during the course of the application
- To only decline a request where there is a recognised business ground and to explain to the employee in writing why it applies
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing, such as trial or temporary period
- To ensure that they do not subject an employee to detriment or dismissal for making an application

APPLICATION PROCESS

Employees

If you are considering any of the flexible working options outlined within this policy, please contact your line manager in the first instance to discuss.

If you wish to apply for flexible working you will be asked to provide a written request by completing *Form FW (A): Flexible Working Application*.

Consideration should be given to the following when completing your application:

- Be as clear and explicit as possible about the pattern you wish to work and why
- Any changes will be permanent, unless otherwise agreed
- The effect, if any, changing your work pattern will have on your job and also consider how your colleagues would manage if your working pattern were to change. You should aim to show that your plans would not harm the organisation

- How any potential problems your plans may present to Wheatley Care could be overcome?

Considering an Application

Line Managers

All applications must be considered and you must establish whether the desired work pattern can be accommodated within the needs of the business.

An acknowledgment slip is included on the bottom of *Form FW (A): Flexible Working Application* for line managers to return to the employee as acknowledgement of receiving their application.

It may be possible for line managers to agree to a flexible working request on the basis of the application alone and if so you should write to the employee within 28 days, using *Form FW (B): Flexible Working Application Acceptance*. Line managers must complete a Change of Staff Details form and forward to Payroll. Human Resources will confirm to the employee the agreed contract variation and start date. Where it is not possible to agree on the application alone there is a set procedure to be followed.

Trial Period

This could be beneficial where an employee may be concerned about making a permanent change or the line manager has concerns about the potential impact of the proposed change on the organisation. A trial period can cover up to 12 weeks and provide an opportunity, without commitment, to test a particular working pattern to see if it works out to the satisfaction of both the employee and the organisation. The agreed trial period must be confirmed in writing to the employee along with any review date as agreed by both parties.

Temporary Period of Flexible Working

In some circumstances a permanent change to an employee's contract may not be the best solution. For example, if an employee suddenly becomes the carer of an adult with a terminal illness, the line manager may consider a temporary period of flexible working. Alternatively, the employee and line manager may agree to a time-limited change after which they would revert back to the original pattern. The agreed temporary period must be confirmed in writing to the employee along with any review date as agreed by both parties.

Extension of Time Limits

There are two circumstances where the time limits can be extended:

1. Through agreement by the line manager and employee

There will be exceptional occasions when it is not possible to complete a particular part of the procedure within the specified time limit. Examples may be when the line manager requires extra time to speak to another employee, who is on holiday, about whether they can work the hours left uncovered by the employee's requested work pattern; or the employee making the request is going on annual leave and may not be able to attend a meeting within the time limit; or an extension is agreed to allow a trial period between the meeting and a final decision. Such extensions can only take place if agreed by both the employee and line manager. This must be confirmed in writing by completing *Form FW (F): Extension of Time Limit*.

2. Through the employer's absence

Where an application is sent to a line manager who will deal with the application and they are absent from work due to leave or illness, an automatic extension applies. The period that the line manager has to arrange the meeting will commence on either the day of the line manager's return or 28 days after the application is made, whichever is sooner. The line manager must acknowledge receipt of the application using the acknowledgment slip included on the bottom of *Form FW (A): Flexible Working Application and Form FW (F): Extension of Time Limit Form* so that the employee is aware that the extension has been applied and of when they can expect to meet with their employer to discuss their request.

When can an application be treated as withdrawn?

When an application is treated as withdrawn under to one of the reasons listed below, a written record must be made using *Form FW (G): Notice of Withdrawal*. The employee will be unable to make another application for 12 months from the date their application was made.

There are three reasons why an application may be treated as withdrawn:

1. Incomplete application

If an employee fails to provide all the required information the line manager should inform the employee what they have omitted and ask them to re-submit the application when complete. The line manager should also inform the employee that they are not obliged to consider the application until it is complete and re-submitted.

If the employee unreasonably refuses to provide the information needed to assess whether the change should be agreed to, the line manager will be

entitled to treat the application as withdrawn and must complete *Form FW (G): Notice of Withdrawal*.

2. An employee withdraws their application

An employee who withdraws their application will be unable to make another application for a further 12 months from the date their application was made. The employee must inform their line manager as soon as possible and complete *Form FW (G): Notice of Withdrawal*.

3. Non attendance at meetings

Employees who fail to attend a meeting without reasonable notification should contact their line manager as soon as possible to explain their absence and allow the meeting to be re-arranged at a mutually convenient time. If the employee fails to attend the meeting more than once and doesn't provide a reasonable explanation the line manager may treat the application as having been withdrawn. The line manager should write to the employee confirming that the application is now considered withdrawn. Line Managers must complete *Form FW (G): Notice of Withdrawal*.

SUMMARY OF PROCEDURE

The Meeting

- A meeting must be held to consider the flexible working request within 28 days after the date an application is received
- An employee can, if they wish, be accompanied at the meeting by a partner, friend, work colleague, or trade union representative
- The line manager must write to the employee informing them of their decision within 14 days after the date of the meeting
- *Form FW (B): Application Acceptance Form* should be used to confirm a new working pattern
- *Form FW (C): Application Rejection Form* should be used when refusing the request and in all circumstances the line manager must state which of the business grounds(s) apply as to why the request cannot be accepted; provide an explanation of why the business reason(s) apply in the circumstances; set out the appeal procedure and ensure the form is dated

Business Grounds for Refusing a Request

- Burden of additional costs
- Detrimental effect on ability to meet service user/customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff

- Detrimental impact on quality of service
- Detrimental impact on performance of the organisation
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The Appeal

- An employee has 14 days to appeal in writing after the date of notification of the line manager's decision using *Form FW (D): Flexible Working Appeal Form*
- The senior manager will arrange an appeal meeting to take place within 14 days after receiving notice of the appeal
- An employee can, if they wish, be accompanied to the meeting by a partner, friend, work colleague, or trade union representative
- The senior manager will inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting using *Form FW (E): Flexible Working Appeal Reply Form*
- Should you remain dissatisfied with the response you may pursue the appeal to the next stage of the grievance procedure.

Record Keeping

During the flexible working application process both the employee and line manager should keep copies of all documents relating to the application. At the end of the process the line manager must forward all the documents relating to the application to HR.

Summary Flowchart of Flexible Working Application Process

EMPLOYER RECEIVES AN APPLICATION FOR FLEXIBLE WORKING

WITHIN 28 DAYS

EMPLOYER AND EMPLOYEE MEET TO DISCUSS THE APPLICATION

WITHIN 14 DAYS

THE EMPLOYER WRITES NOTIFYING THE EMPLOYEE OF THEIR DECISION

REQUEST IS REJECTED

REQUEST IS ACCEPTED

BOTH THE EMPLOYEE AND THE EMPLOYER WILL NEED TO CONSIDER WHAT ARRANGEMENTS THEY NEED TO MAKE FOR WHEN THE WORKING PATTERN IS CHANGED

THE EMPLOYEE NEEDS TO DECIDE IF THEY WISH TO APPEAL AGAINST THE EMPLOYER'S DECISION. IF SO, THEY MUST APPEAL IN WRITING, SETTING OUT THE GROUNDS FOR THEIR APPEAL

WITHIN 14 DAYS

EMPLOYER RECEIVES THE EMPLOYEE'S WRITTEN APPEAL

WITHIN 14 DAYS

EMPLOYEE AND EMPLOYER MEET TO DISCUSS THE APPEAL

WITHIN 14 DAYS

THE EMPLOYER WRITES NOTIFYING THE EMPLOYEE OF THEIR DECISION

REQUEST IS REJECTED

REQUEST IS ACCEPTED

BOTH THE EMPLOYEE AND THE EMPLOYER WILL NEED TO CONSIDER WHAT ARRANGEMENTS THEY NEED TO MAKE FOR WHEN THE WORKING PATTERN IS CHANGED

THE EMPLOYEE CAN PURSUE THE APPEAL TO THE NEXT STAGE OF THE GRIEVANCE PROCEDURE