

17. Flexible Working Policy

Eligibility

In accordance with the Employment Act 2002, as amended by the Work and Families Act 2006, the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 (SI2006/3314), and the Children and Families Act 2014, all employees have the right to apply to work flexibly.

To qualify, an individual must have been in employment with the Company for 26 weeks continuously at the date the application is made.

An employee can only make a request for flexible working once in any 12 month period. Self-employed contractors, consultants and agency workers are not eligible to request flexible working; this policy applies to our employees only.

The right enables employees to make a *request* to work flexibly. It does not provide an *automatic* right to work flexibly as there will always be circumstances when the Company is unable to accommodate the employee's desired work pattern. The right is designed to meet the needs of both the employee and the Company, and aims to facilitate discussion and encourage both the employee and the Company to consider flexible working patterns to find a solution that suits them both. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the Company will deal with all applications in a reasonable manner.

The Employment Act 2002 does not specify which adjustments apply, but it could include part-time work, home-working, annualised hours, term-time work or other forms of flexibility.

Making an Application

The request for flexible working must be in writing and must include the following:

- The date of the application, the change to working conditions the employee is seeking, and when the employee would like this change to come into effect.
- What effect, if any, the employee thinks that the requested change would have on the Company and how, in their opinion, any such effect might be dealt with.
- A statement from the employee that this is a statutory request.
- If the employee has made a previous application for flexible working, details of any such previous application(s).
- The employee is also encouraged to explain why they are making their request, especially if it is made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability or for religious reasons.

Procedure

- It is up to the employee to make a considered application in writing to the Company. They are only able to make one application in any 12 month period under the right, and accepted applications will mean a **permanent** change to the employee's own terms and conditions of employment unless otherwise agreed between both parties. It is important therefore that, before making an application, the employee gives careful consideration to which working pattern will suit them best; any financial implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the Company's business and how these might be accommodated.
- If the employee does not want the flexible working arrangement to be permanent, this should be stated clearly in their application. Such an application will fall outside of the statutory procedure, but will be considered by the Company and accommodated where it is reasonable and practicable to do so.
- After receiving the request the Company will usually hold a meeting with the employee, as soon as possible. This provides the Company and employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern requested in the employee's application.
- The employee has the right to be accompanied by a colleague at any meeting arranged to discuss their application for flexible working.
- The Company will consider the employee's request carefully, taking into account the benefits of the requested changes in working conditions for the employee and the Company, and weighing these up against any adverse impact that they are likely to have on the business.

Possible Outcomes

- As soon as reasonably practicable after meeting with the employee, the Company will write to the employee to either:
 - agree to a new work pattern and a start date; or
 - to propose an alternative flexible working arrangement if the one that the employee has requested cannot be accommodated; or
 - to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances.
- This letter will also set out the employee's right to Appeal and advise the employee of the Appeal Procedure.
- *Agreeing a Request.* If the request for flexible working is accepted, then the Company will issue the employee with written notification of the changes to

their terms and conditions by no later than one month of the changes taking effect.

- *Trial Periods.* The Company may agree to a flexible working request on a trial basis. If a trial period is appropriate, it will usually be four weeks, although this may be extended if appropriate in the particular circumstances of a case. If at the end of the review period the flexible working arrangement is acceptable and reasonable, the Company will issue a written notification and the change will be permanent. If the flexible working arrangement is not feasible or successful in the trial period, the Company may reject it on one of the grounds above.
- *Refusing a Request or Suggesting an Alternative.* The Company may refuse a request for flexible working, or suggest an alternative arrangement, if the original request is not practicable for any of the following reasons:
 - the burden of additional costs;
 - a detrimental effect on the ability to meet customer demand;
 - a detrimental impact on quality;
 - a detrimental impact on performance;
 - an inability to reorganise work among existing staff;
 - the inability to recruit additional staff;
 - insufficient work during the employee's proposed working periods; and/or
 - planned structural change to the business.

Appeals

- If the request for flexible working is rejected, or an alternative is suggested instead, the employee has the right to appeal against the Company's decision. The employee must write to the Company, setting out their grounds of appeal, as soon as possible after notification of the Company's decision. The Company will then arrange to meet with the employee to discuss their appeal.
- All requests for flexible working, including any appeals, will be considered and decided upon by the Company within a period of three months from receipt of the application from the employee. This period can be extended by agreement.

If a meeting is arranged to discuss the flexible working application with the employee, including at appeal stage, and the employee fails to attend then the Company will rearrange such meeting. If the employee fails to attend both the original meeting and a rearranged meeting without good reason then the Company may consider that the request for flexible working has been withdrawn.