

FLEXIBLE WORKING POLICY



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1. Introduction

The ng group recognises that having a flexible working policy will help to ensure compliance with the right to request flexible working brought in by the Employment Act 2002 and reinforced by the Work and Families Act 2006 and further legislation. The policy is also designed to ensure equality and fairness throughout the process in line with the Equality Act 2010 and to support our staff members to achieve a positive work-life balance in line with the requirements of the Children and Families Act 2014. Employees have the right to request changes to their working hours or place of work under the statutory right in the Employment Rights Act 1996 to request flexible working.

2. Background

We believe that our staff members are our most valuable asset and we are committed to attracting and retaining the very best people and utilising all the talent and experience we have available. We recognise that it is important for staff members to establish a work-life balance as many individuals have personal responsibilities outside of work. Flexible working may allow more freedom for employees to organise their employment to fit in with other parts of their life.

Legal Framework

Employment Rights Act 1996

In August 1996 the Employment Rights Act was introduced to set out the statutory employment rights of workers and employees.

Employment Act 2002

In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly in order to strike a better balance between their home and work responsibilities.

Work and Families Act 2006

The Act builds on the right to request flexible working introduced in April 2003. The Work and Families Act extends this right to include employees who care for or expect to care for adults.

Equality Act 2010

The Act legally protects people from discrimination in the workplace and wider society. It replaced previous anti-discrimination laws with a single Act.

Children and Families Act 2014

This Act provides greater protection to vulnerable children including better support for children whose parents are separating, providing a new system to help children with special educational needs and disabilities and help for parents to balance work and family life.

Flexible Working Regulations 2014

These regulations further extend the right to request flexible working to employee's who have 26 week's continuous service with an employer.

Employment Relations (Flexible Working) Act 2023

These regulations reduced the waiting time to make a flexible working request from 26 weeks employment to a day one right as well as allowing for 2 requests to be made in a 12 month rolling period and reducing the time to respond from 3 months to 2 months.

3. Policy Principles

- The policy has been produced as the ng group's response to the legislation brought in by the Employment Rights Act 1996, Employment Act 2002, Work and Families Act 2006, Equality Act 2010 and Flexible Working Regulations 2014
- This Policy aims to provide workers with the opportunity to request to change their standard working arrangements to strike a better balance between their home and work responsibilities and for the ng group to retain talent and skills in the workforce and react effectively to changing market conditions.
- The Policy details the flexible working procedure that must be followed.
- The Policy details the employers' responsibilities contained in legislation and the recommendations to consider workers' request for a flexible working arrangement.
- The Policy is only applicable when the employee instigates the request to work flexibly and not when it is instigated by the employer.
- The Policy re-emphasises a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.

4. Eligibility

Under provisions set out in the Employment Rights Act 1996 every employee has a right from day one of employment to request a change to their contractual terms and conditions of

employment. An employee has the right to make 2 flexible working requests within a rolling 12-month period.

General

To be eligible, staff members must:

- Be an employee.
- Not be an agency worker.
- Not have made more than 2 applications to work flexibly under the right during the past 12 months.

5. Types of Flexible Working

Some examples of flexible working are provided below, however please note this list is not exhaustive:

Part-time working

A system whereby the employee is contracted to work fewer than the standard full-time hours. There are many variations to part-time working such as later start or earlier finish times, afternoons or mornings only and fewer working days in the week.

Job-sharing

An arrangement whereby two part-time (or occasionally more) employees share the responsibility of a position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job simply by picking up the work where the other employee left off. A 'divided responsibility' arrangement is when the duties of the position are divided between the two individuals, with each being able to provide cover for the other as and when necessary.

Term-time working

The employee remains on a permanent contract but can take unpaid leave of absence as agreed.

Working from home

An approach whereby an employee carries out a proportion of his/her duties from home rather than at the Employers premises.

Compressed Hours

A system permitting employees to work their total number of contractual hours over fewer working days. For example, a five-day working week may be compressed into four days.

Staggered hours

The employee has different start, finish and break times from other workers.

Phased retirement

The default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part-time.

Other types of flexible working are available such as flexi-time and hybrid working and we have policies and procedures in place for these.

6. Flexible Working Procedure

A flow chart on the flexible working procedure is attached to this policy for ease of reference. The organisation aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal. If for some reason the request cannot be dealt with within the 2 month period then this time limit can be extended with the staff member's agreement.

Application for flexible working

To apply for flexible working, employees need to follow the steps below:

- Apply in writing.
- State that it is a statutory request.
- State the date of the application, the change to working conditions the employee is seeking and when they would like this change to come into effect.
- State whether a previous application has been made to and the date of the application.
- Sign and date the application.

Employees can use the template Flexible Working Application Form. Forms are available on request.

Once the request is received

If the ng group is happy to accept the request, this can be confirmed in writing without a need for a meeting. Alternatively, a meeting should be arranged.

The Meeting

- The employee will be invited (in writing) to a meeting and informed they can be accompanied by a fellow employee of their choice or trade union representative.
- The companion can address the meeting and confer with the employee during the meeting but cannot answer questions on the employee's behalf.
- A member of the Association's HR team will be in attendance in an advisory capacity.
- At the meeting the employees' proposal will be discussed.
- If the employee's proposal is not suitable to the business, alternative solutions will be discussed.
- If an employee fails to turn up for a meeting without prior notification on more than one occasion and fails to provide a satisfactory explanation, the group will treat the application as withdrawn. This will be confirmed in writing informing the employee that this will constitute 1 of their statutory 2 flexible working requests they have a right to make in a rolling 12 month period.
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change.

Flexible working acceptance

- Once both sides have agreed to the changes requested or an agreed variation of the request, a permanent variation of the employee's terms and conditions will be issued stating the agreed changes and a start date for the flexible working arrangement. Once agreed the employee has no automatic right to return to their original work arrangement.
- A trial period for a specified time may be applicable to establish if the new arrangement is suitable for the needs of the business. This will be confirmed in writing following the meeting and acceptance.

Flexible working rejection

If the employee's application is declined, it will be confirmed in writing, specifying the business reasons for rejection. One (or more) of the following reasons may apply:

1. Burden of additional cost
2. Inability to re-organise work amongst existing staff
3. An inability to recruit additional staff to do the work
4. A detrimental impact on quality
5. A detrimental impact on performance

6. A detrimental effect on the organisation's ability to meet customer demand
7. Insufficient work for the periods/working times the employees proposes to work
8. A planned structural change to the business.

Withdrawal of application

The ng group can treat an application as withdrawn under the statutory provisions where the employee has:

- Notified the ng group, in writing, that the application is withdrawn.
- Without a reasonable explanation failed to attend two meetings to discuss an application or appeal
- Refused to provide the ng group with information required in order to assess whether the contract variation should be agreed to.

In cases where the application is withdrawn the ng group will advise the employee that they are treating the request as withdrawn.

Appeal Process

An employee no longer has the automatic right to appeal but the ng group may consider hearing an appeal as good practice.

- The staff member can appeal against the organisation's decision to refuse an application.
- The appeal should be made in writing to the HR Team within 5 working days of being notified of the decision on their application. The HR Team will then make arrangements for a meeting to be held to discuss the appeal and any options available.
- The employee will be informed they can be accompanied to the meeting by a fellow employee or trade union representative of their choice
- After the meeting, the employee will be notified in writing, confirming the grounds for the decision within 10 working days of the appeal meeting.

7. Responsibilities

Both the employee and the employer have certain responsibilities within this procedure as detailed below:

Employee's responsibilities

- To provide a carefully thought-out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all necessary information.

- To ensure the application is made well in advance of when the change is proposed to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, to be prepared to be flexible themselves in order to reach an agreement with the employer.
- If the employee wishes to be accompanied by a representative, the employee must ensure that their representative can attend on the date proposed by the employer or an alternative date within the timeframe previously stipulated.

Employer's responsibilities

- To deal with requests in a 'reasonable manner' this includes;
 - Assessing the advantages and disadvantages of the application
 - Holding a meeting to discuss the request with the employee
 - Offering an appeal process
- To consider requests thoroughly and in good faith in accordance with the set procedure.
- To consider the request and make a decision within 2 months (or longer if agreed with the employee).
- To decline a request only where there is a good business reason for doing so and to write to the employee explaining why it applies.
- Where a request is agreed, to change the employees contract to reflect the change in terms and conditions.
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing.
- Not to subject an employee to detriment or dismissal for making a flexible working request.

8. Other Related Policies

- Absence and Attendance Management
- Equality and Diversity
- Dignity at Work
- Staff Code of Conduct
- Terms and Conditions of Employment
- Hybrid Working
- Flexi Procedure
- Customer Care

- Learning, Development and Further Education
- Stress and Mental Wellbeing at Work
- Recruitment & Selection
- Data Protection

9. UK General Data Protection Regulation 2021

The ng group will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

10. Policy Review

This Policy will be reviewed every three years or earlier in line with legislative changes or good practice guidelines.

11. Equality Impact Assessment

This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

12. Flexible Working Procedure Flow Chart

FLEXIBLE WORKING PROCEDURE

The law requires the process be completed within 2 months of the date of the initial application. This includes any appeal

