



## FLEXIBLE WORKING PROCEDURE

### DOCUMENT VERSION CONTROL – GOVERNANCE SCHEME

Date	Author	Version	Status	Reason for Change
Oct 2017	SEStran	1.0	Adoption of version control	Implementation

**Upcoming Review: May 2018**

## **INTRODUCTION**

SESTRAN recognises the importance of helping employees balance their work and home life by offering flexible working arrangements.

Legislation provides employees who meet the eligibility criteria set out below with the right to apply to work flexibly and for this application to be considered.

### **Eligibility**

The employee should:

- have responsibility for the upbringing of either a child under 16 years or age a disabled child under 18 years;
- be the mother, father, adopter, guardian or foster parent of the child; or married to or the partner of the child's mother, father, adopter, guardian or foster parent;
- be making this request no later than two weeks before the child's 16<sup>th</sup> birthday or 18<sup>th</sup> birthday where disabled;

OR

- have long-term caring responsibilities based on the following definition ("an employee who is, or expects to be, caring for an adult aged eighteen years or over who they are married to, or the partner, or are the civil partner of, is a near relative or lives at the same address. The care they provide is long term and unpaid."). Any queries in respect of whether this definition applies in a particular circumstance should be discussed with SESTRAN's Human Resources Adviser;

The definition of a relative for these purposes is "mother, father, adopter, guardian, parent-in-law, brother-in-law and sister-in-law."

- be making this request to help care for the child or dependent;
- have 26 weeks continuous service with SESTRAN;
- not have made a request to work flexibly during the previous 12 months.

### **What is meant by Flexible Working**

The Work and Families Act 2006 provides that an employee, who meets the criteria set out above, may apply for a change in his/her terms and conditions of employment if the purpose in applying is to care for a child or other dependent within the definition of a carer and the change relates to:

- the hours he/she is required to work;
- the times when he/she is required to work;
- where he/she is required to work.

The intention is that this may cover work patterns such as compressed hours, flexitime, homeworking, jobsharing, term time working and staggered hours. SESTRAN's Human Resources Adviser will be able to support and advise on this.

## **Employee's Rights**

Under the terms of the legislation, the employee has the right to:

- apply to work flexibly;
- have their application considered and refused only when there is a clear business ground for doing so;
- be accompanied at a meeting by a representative;
- receive a written explanation as to why the application is refused, where applicable;
- appeal against the decision to refuse an application;
- take the complaint to an employment tribunal.

## **Employee's Responsibilities**

While employees have the right to make an application to work flexibly, they also have the responsibility to:

- apply using the attached proforma well in advance of proposed date;
- ensure that they meet the eligibility criteria;
- indicate the work pattern they wish to adopt;
- highlight the impact on the employer;
- suggest how it can be accommodated;
- come to the meeting prepared to discuss their application in an open and constructive manner;
- be prepared to be flexible to reach an agreement with their manager.

## **Manager's Rights**

While the manager must consider any application to work flexibly, they also have some rights under the terms of the legislation. They can:

- reject an application when it cannot be accommodated within business needs;
- seek the employee's agreement to extend the procedural timescales;
- consider an application withdrawn in certain circumstances (ie, where they are verbally informed, the employee fails to attend 2 meetings, the employee unreasonably refuses to provide the required information).

## **Manager's Responsibilities and Best Practice**

These include:

- considering requests properly;
- arranging to meet the employee;
- adhering to the time limits set out below;
- providing support and information to employees to assist them with their application;
- declining only where there are recognised business grounds as set out below and to explain this to the employee in writing;
- ensuring that any variation to the process and timescales is agreed in writing with the employee.

## **Process**

The process is bound by timescales which must be adhered to unless the manager agrees with the employee to different timescales. These are:

- within 28 days of receipt of the application, the manager should arrange a meeting with the employee to discuss their request. The employee has the right to be accompanied at this meeting. This can be a work colleague or TU representative;
- within 14 days of the meeting, the manager should provide a written response to the employee advising them of their decision;
- if the request is rejected, the employee has the right of appeal through the Grievance Procedure and their written grievance should be submitted to the Partnership Director within 14 days of receipt of the written response;
- a hearing is arranged within 10 days of receipt of the grievance;
- the employee is advised of the outcome of the appeal decision within 5 days of the hearing.

If the manager decides to agree to the request, they should discuss with the employee any arrangements that need to be made to facilitate the change and the expected timescales for this. Any change agreed will be a permanent change to the employee's terms and conditions unless agreed otherwise with them. Confirmation of the change should be given to the employee in the form of an amendment to their contract. Payroll also should be advised of the change.

## **Reasons for Refusal**

When considering any request on behalf of SESTRAN, the manager should be aware that should they decide to reject the request, the reason must fall under one or more of the following headings:

- burden of additional costs
- inability to meet customer demand
- inability to reorganise work with existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work when employee proposes to work
- planned structural changes.

Advice should be sought from SESTRAN's Human Resources Adviser where a manager is unsure if their reason falls within these headings.

## **Review of Procedures**

SESTRAN will undertake a review of this document annually. However, either the employer or trades unions may propose amendments at any time, by giving notice in writing to the Partnership Director.

This Policy has been equality impact assessed and no adverse impact has been identified.

## APPLICATION FOR FLEXIBLE WORKING

### Note to Employee

You can use this form to make an application for flexible working.

It will help your manager to consider your request if you provide as much information as possible. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 4 & 5, think about what effect your change in working arrangements will have on both the work you do and on your colleagues.

Your manager will have 28 days after the date of your application to initially respond to your request. If the request is granted, you will receive a separate letter outlining the specific arrangements that have been agreed.

#### 1. Personal details

Name:

Employee No:

Address:

Location:

Post Code:

#### 2a. Describe your current working pattern (days/hours/times worked):

**2b. Describe the working pattern you would like to work**

**2c. I would like this working pattern to commence from:**

Date

**3. Reason for application**

**4. Impact of the new working pattern**

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

**5. Accommodating the new working pattern**

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

## 6. Confirmation of eligibility

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as noted below:

- I have responsibility for the upbringing of either a child under 16 years of age or disabled child under 18 years of age or I have long-term caring responsibilities;
- I am the mother, father, adopter, guardian or foster parent of the child, or am married to or am the partner of the child's mother, father, adopter, guardian or foster parent;
- I am making this request no later than two weeks before the child's 16<sup>th</sup> birthday or 18<sup>th</sup> birthday where disabled;

OR

- I have long-term caring responsibilities as outlined within the definition of a carer;
- I am making this request to help care for my child or dependant;
- I have 26 weeks continuous service with SESTRAN;
- I have not made a request to work flexibly in the past 12 months.

Signature:

Date:

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## Employer's Confirmation of Receipt:

Dear:

I confirm I have received your application to work flexibly on: Date

I shall be arranging a meeting with you to discuss your application within 28 days following this date.

From: