

CHR002 Flexible Working Request Policy & Procedure

Flexible Working Request Policy & Procedure

Introduction

Catena believes that well considered flexible working can help towards increasing staff morale and motivation, promoting work-life balance, reducing employee stress and improving performance and productivity. The company therefore wishes to support all staff in the management of their work and life by considering and supporting all reasonable requests for flexible working, wherever possible.

This procedure aims to provide a fair and consistent approach in considering and fostering supportive and effective working arrangements.

Eligibility

- All employees have the right to request flexible working and to have their request considered seriously by their employer.
- An employee can only make two statutory requests in any 12-month period.
- You may only have one live request for flexible working with the company at any one time. Once you have made a request, it remains live until any of the following occur:
 - A decision about the request is made by the company.
 - The request is withdrawn.
 - An outcome is mutually agreed.
 - The statutory two-month period for deciding requests ends.

Types of flexible working

A request for flexible working could include:

- a change to the number of hours that the employee works,
- a change to the pattern of hours worked,
- a request to job share or
- a request to perform some or all of the work from the employee's home.

If approved, a flexible working request will result in a permanent change to the employment contract. However, the manager and employee may agree to a temporary change if this is of mutual benefit.

Procedure for making a flexible working request

All requests must be made in writing by filling in the Flexible Working Request Application Form (Appendix A), which is available from the office. All requests made under this policy must include:

- the date of the application;

- the changes that the employee is seeking to his/her terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the request is being made by an employee with a disability as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.

Applications should be submitted to the Director.

Where information has been omitted, the application will be returned to the employee, to provide the additional information and resubmit the request.

Right to be accompanied

The employee has the right to be accompanied by a fellow worker or trade union representative at any flexible working meeting or subsequent appeal, subject to a reasonable request.

The choice of companion is a matter for the employee. Please note that individual workers are not obliged to agree to accompany colleagues. Companions will be given appropriate paid time off to allow them to accompany colleagues at a meeting or appeal.

At any meeting or appeal, the companion will be allowed to address the meeting, respond on the employee's behalf to any view expressed in the meeting, and sum up the case on the employee's behalf. However, both the meeting and appeal are essentially meetings between Catena and the employee, so any questions put directly to the employee should be dealt with by the employee and not their companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee can propose an alternative time within five working days of the scheduled date.

Meeting to discuss a flexible working request

Once the Director receives the request, it will be dealt with as soon as possible. The request will be considered by both the Director and another relevant manager.

The Director will usually arrange a meeting to deal with the request. The meeting will take place at a time and location which is convenient to both management and employee, and will take place in private so that the discussion is kept away from other employees.

Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary.

The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the business.

Considering the request

After the meeting, the Director and relevant manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes.

Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

Each request will be considered objectively, and management will not attempt to judge whether one applicant's need for flexible working is greater than another's. Each request will be considered in order of receipt. Where more than one request is received at the same time, and in the events that all requests cannot be agreed, a fair method of random selection will be used.

If the company is unable to approve a request in an environment where a number of other employees are already working flexibly because any further flexible working arrangements will impact adversely upon the business, the company will consider calling for volunteers from existing flexible working employees to change their contracts to other arrangements thereby creating capacity for granting new requests to work flexibly.

Outcome of a flexible working request

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting.

The request may be granted in full or in part: for example, the company 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.

In some cases, for example, where the Director and relevant manager are uncertain whether the arrangements requested are sustainable in the company or about the possible impact on other employees, a trial period may be offered to provide opportunity to consider further the potential impact on new working arrangements. In these cases, the timescale for considering the flexible working request will be extended with the agreement of the employee.

Any request that is accepted will make a permanent change to the employment contract, except in cases where a temporary change has been agreed.

Where the request is either agreed in part or rejected, clear business reasons will be set out, including how these apply to the flexible working request.

The employee will also be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

Reasons for turning down a flexible working request

The Director and relevant manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

Flexible working requests that are granted

If the request is upheld, the employee, Director and relevant manager will discuss how and when the changes will take effect.

Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her contract of employment, as soon as is reasonably practicable.

Problems with a flexible working request

If an employee is unclear at any stage throughout the process, he/she should contact the Director or relevant manager.

If an employee is dissatisfied with the way in which his/her request has been handled, he/she should raise a grievance under the organisation's grievance procedure.

Withdrawal of applications

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

In these cases, the Director or relevant manager will seek the reasons for the employee failing to attend both meetings before reaching any decision to close their application. The Director will then notify the employee that he has decided to treat the conduct of the employee as a withdrawal of the application.

Appeal

The employee has the right of appeal against the Director and relevant manager's decision within 7 calendar days of receiving notification. When appealing against a refused request, an employee will have to set out the grounds for making the appeal in writing. The appeal should be addressed to the Director.

Within 7 calendar days of receipt of the appeal, the Director and relevant manager will meet with the employee to discuss the appeal.

Within 14 calendar days of the appeal hearing, the Director will convey their decision to the employee in writing.

If the appeal is upheld, the outcome letter will

- include a description of the new working arrangements;
- state the date from which the new working arrangement is to take effect; and
- be dated.

If the appeal is dismissed, the letter will

- state the grounds for the decision.
- provide a sufficient explanation as to why the grounds for refusal apply in the circumstances; and
- be dated.

The written notice of the appeal outcome constitutes the company's final decision and is effectively the end of the formal procedure within the workplace.

The timescales included for appeal are a guide only and may be modified, as the whole process must be completed within 2 months of initial receipt of the flexible working request. It is therefore important that all requests are dealt with promptly.

Timescales

All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Miscellaneous

The company recognises the importance of objectivity and independence when considering flexible working requests. However, as a small business, there are limited managers available to participate in this process, therefore making this impractical. Where possible two managers will be in attendance at all meetings to ensure a fair process is undertaken.

The Director is committed to acting fairly and consistently and at his discretion, reserves the right to appoint an independent HR advisor to implement any stage of the process, where this is feasible.

Review

This procedure will be periodically reviewed and made available to all staff (on the Works Canteen Noticeboard and via the QR code link displayed in the Canteen). Any amendment to it will be notified to employees by memo / noticeboards.

**Flexible Working Request
 Application Form**

Employee Name			
Job Title			
<p>To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with the company.</p> <p>You can make only one request in every 12-month period.</p>			
Start date with the company		Date form submitted	
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No	
When did you submit your last request for flexible working?			
If you have a disability, is your request related to this?	Yes	No	
I wish to submit a statutory request for flexible working as detailed below.			
<p>Please set out the pattern of working that you are seeking, and the reasons why you would like to change your working hours. For example, if you wish to change your hours of work, please state what your current hours are, what you would like your new hours to be, and why this would be helpful to you.</p>			

I would like the above change(s) to my working pattern to take effect on			
<p>Once you have submitted a valid application for flexible working, the company will contact you to arrange a meeting, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p>It will help us to deal with your application if you provide as much information as you can about your desired working pattern and reasons for requesting the change.</p>			
Signed		Date	