

## **Canterbury College Flexible Working Procedure**

### **INTRODUCTION**

#### **1. Introduction**

2. This Flexible Working procedure and policy follows legislation on flexible working as outlined in The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, The Flexible Working (Procedural Requirements) Regulations 2002 and the Work and Families Act 2006. Members of staff should initially make their request, using the Informal Procedure outlined in Section 2.
3. The aim of the legislation is to recognise that many staff have caring and family responsibilities and that flexible working opportunities can benefit everyone - employers, employees and their families. Most employers now recognise that it makes good business sense to provide flexible working opportunities for their staff. Find out if you have the right to request a flexible working pattern.
4. It is College policy to support staff in achieving an appropriate work-life balance and these procedures are in place to ensure all staff understand the steps involved in requesting flexible working and the process that the College will follow. This procedure provides advice for line managers and members of staff about how the right to request flexible working operates and the duty of line managers to consider all such requests seriously.
5. If the request will result in working fewer hours, prior to making their request, the member of staff should consider carefully the effect on pay, pension contributions and benefits which will also be reduced on a pro-rated basis. Further advice can also be sought from the HR Department.
6. If the request is agreed, unless agreed otherwise, this will be a permanent contractual change.

### **INFORMAL PROCEDURE**

#### **7. Introduction**

8. Any member of staff who is thinking about changing their work pattern should speak to their line manager as soon as possible in order to explore what opportunities are available to them.

9. A request for flexible working could include a work pattern of any of the following: flexitime, home working, job-sharing, staggered hours, condensed hours or shift working.

**10. What the member of staff should do**

11. The member of staff should arrange an informal one to one meeting with their manager in order to discuss their proposal for flexible working. The member of staff should explain to their manager the hours they would like to work, the reasons why they wish to work flexible hours and how they think it will fit in with the needs of the department.

**12. What the line manager should do**

13. The line manager should give careful consideration to the member of staff's request, taking in to account service needs, impact on others, any special circumstances offered as a basis for the request, and the prospect and reasonableness of securing additional or alternative cover for any outstanding hours. If the work pattern requested is not possible then both parties should consider other possible alternative working patterns, and/or trial the new arrangement for an agreed fixed period of time

14. If the member of staff and line manager agree a suitable working pattern, the line manager should inform their relevant Director and the HR Department.

15. All contractual changes must be authorised by the Principal. Therefore when the completed agreement in principle is received by the HR Department it will be forwarded for approval at the next meeting of the Establishment Panel.

16. The HR Department will then write to the member of staff informing them of any resulting change to their terms and conditions of employment.

**17. When a request is refused**

18. In the event that an informal request to work flexible hours is refused, and the member of staff is unhappy or disagrees with their manager's decision, and the requested related to caring responsibilities for a child aged 16 or under or a disabled child under 18 years, or, if they are eligible, carer responsibilities as set out in the above paragraphs, they may wish to proceed with the formal process.

## **FORMAL POLICY**

### **Eligibility**

19. Members of staff who are parents of children aged 16 or under or disabled children under 18 have the right to request a flexible working pattern in order to help them care for the child. The member of staff must be either the mother, father, adopter, guardian or foster parent of the child or married to or the partner of one of the above.
20. Also members of staff who are or expect to be caring for a person over the age of 18 who is in need of care and is:
  21. married to or is the partner or civil partner of the member of staff
  - or**
  22. a “relative” of the member of staff
  - or**
  23. who lives at the same address as the member of staff
  24. may have the right to request a flexible working pattern in order to help them care for the person.
  25. “Relative” includes the member of staff’s mother, father, adopter, guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt and grandparent. Adoptive relationships, relationships of half-blood and step relationships are included within the categories above.
  26. A member of staff wishing to request flexible working must have 26 weeks’ continuous service at the date the application is made.
  27. Eligible members of staff can request a change to the hours they work, a change to the times when they are required to work or to work from home. This may cover working patterns such as flexitime, home working, job-sharing, shift working and staggered hours.
  28. Applications for a change in working pattern may not always require a significant alteration. For example, a parent or carer may wish to start work half an hour later to accommodate their caring responsibilities and make up the time later in the day.
  29. **How often can a formal application be made?**
  30. In accord with the legislation one formal application per year can be made. Each year runs from the date when the last application was made.

### **31. How to apply**

32. A member of staff who wishes to request flexible working must make such an application in writing to their manager. A written application should be completed (Appendix A)
33. An application for flexible working must:
34. State that it is being made under the statutory right to request a flexible working pattern.
35. Confirm that it is to help care for either a child or adult for whom they have responsibility.
36. Specify the flexible working pattern applied for and the date on which it is proposed the change should become effective.
37. Explain what effect, if any, the member of staff thinks the proposed change would have on the department and how, in their opinion, any such effect might be dealt with.
38. Provide reasons explaining why their preferred working pattern is compatible with the needs of the department, as far as they can tell.
39. Consider how their colleagues will manage if their working pattern is changed
40. State whether a previous application has been made and, if so, when.
41. Be signed and dated.
42. The member of staff should give careful consideration to the working pattern requested and the financial implications it may have on them where the desired working pattern involves a drop in salary.
43. The proposed date set by the member of staff should allow time for the application to be considered and implemented if practicable.
44. Applications are more likely to succeed where the flexible working pattern is consistent with the needs of the department and fit well with the working patterns of other staff.
45. Where an application is accepted this means a permanent change to the member of staff's terms and conditions of employment.
46. A member of staff has no right to revert back to the previous working pattern unless otherwise agreed.
- 47. Considering an application**
48. The member of staff's line manager has a legal duty to consider all applications and to establish whether the requested working pattern can be accommodated within the needs of the department.
49. The line manager/ HR Department should provide the member of staff with a written acknowledgement of receipt of the application.
50. If the application is incomplete or fails to provide all the required information the line manager should inform the member of staff, in writing, what they have omitted and ask them to resubmit their application.

51. The line manager and representative from the HR Department should meet with the member of staff within 28 days of the completed application being received. If it is difficult to arrange a meeting within 28 days after the application has been made, the line manager should seek the member of staff's agreement to extend the period in which to hold the meeting (see F below).

**52. Meeting**

53. The meeting will give both parties the opportunity to explore the desired working pattern in depth and to discuss how best it might be accommodated. This meeting will also provide an opportunity to consider other alternative working patterns should there be a problem in accommodating the desired work pattern as outlined in the member of staff's application.

54. The member of staff may be accompanied to the meeting by a Trades Union representative or a work colleague, if desired. The representative can address the meeting or confer with the member of staff. However, the representative is not permitted to answer questions on behalf of the member of staff.

55. If a Trade Union representative or work colleague is unable to attend the meeting, the meeting should be re-arranged within 5 working days of the originally proposed date. The new date should be convenient to all parties. If this is not possible the member of staff should consider an alternative representative.

56. The HR Department will write to the member of staff, giving date, time and venue of the meeting.

57. The member of staff should come to the meeting prepared to expand on any points in their application. They should also be prepared to be flexible. The member of staff may be asked to consider other working patterns, an alternative start date or a trial period. There may be occasions when it may be advantageous to both the line manager and the member of staff to agree a trial period of the new working pattern to see how it suits both parties.

**58. Where an application is accepted**

59. All contractual changes must be authorised by the Principal. Therefore when the completed agreement in principle is received by the HR Department it will be forwarded for approval at the next meeting of the Establishment Panel.

60. The HR Department will then write to the member of staff informing them of any resulting change to their terms and conditions of employment.

61. Where a trial period or time limited period has been agreed this should be detailed in the written notice.

**62. Where an application is refused**

Where the request cannot be accommodated the HR Department will write to the member of staff informing them of the decision and provide clear business grounds as to why the application cannot be accepted and the reasons why the grounds for refusal apply in the circumstances. The line manager will also provide details to the member of staff their right of appeal against the decision.

63. Business grounds for refusing a request could be for some of the following reasons:

64. Burden of additional costs

65. Inability to reorganize work amongst existing staff

66. Inability to recruit additional staff

67. Detrimental impact on quality

68. Detrimental impact on performance

69. Planned structural changes

70. Insufficient work during the periods the member of staff proposes to work.

71. When specifying business grounds for refusing an application the line manager should include an explanation about why the business grounds apply in the circumstances.

**72. More time needed to reach a decision**

If the line manager needs more time to reach a decision, they must obtain the agreement of the member of staff for an extension to the 14 days (see F below).

**73. Appeals Procedure**

74. It will not always be possible to agree to a new working pattern. Therefore there may be circumstances where the member of staff may wish to appeal against the decision.

75. In the written notification of the decision, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. Any appeal should be dated, made in writing and submitted within 14 days of being notified of the original decision. When appealing the member of staff should set out the grounds for their appeal.

76. An appeal meeting should take place within 14 days after receiving notice of the appeal. This will be chaired by the relevant Director.

77. The member of staff has the right to be accompanied to the meeting by a representative of a Trade Union of Which they are a member or work place colleague. The meeting will be on the same basis as the meeting to discuss the request.

78. The member of staff will be informed of the outcome of the appeal in writing within 14 days after the date of the appeal meeting.

79. If the appeal is upheld the written decision must include the following:

- A. Description of the new working pattern
- B. Start date from which the new working is to take effect
- C. Be dated

80. If the Appeal is dismissed the written decision must state the following:

- A. The grounds for the decision. These will be appropriate to the member of staff's own grounds for making the appeal
- B. Provide an explanation as to why the grounds for refusal apply in the circumstances
- C. Be dated
- D. The appeal decision is final.

**81. Extension of time limits**

82. There are two circumstances mentioned in D and E above where the time limits can be extended.

**83. Through agreement by the line manager and the member of staff**

There will be occasions when it is not possible to complete a particular part of the procedure within the specified time limit. Reasons for requesting to extend the period could be, for example, the member of staff is going on annual leave, or the line manager requires extra time to speak to another member of staff's about whether they could work the hours left uncovered by the member of staff requested working pattern. Extensions of time can only take place if both parties agree. The line manager should make a written record of the agreement and this should specify the following:

- A. What period the extension relates to
- B. The date on which the extension is to end
- C. Be dated
- D. A copy sent to the member of staff

**84. Through the line manager's absence**

Where a line manager is 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 either on the day they return or 28 days after the application is made, whichever is sooner. When the line manager returns they should acknowledge receipt of

the application so that the member of staff is aware that the extension has been applied and the time period when they can expect to meet to discuss the request.

**85. When an application can be treated as withdrawn**

86. There are three reasons why an application may be treated as withdrawn. These reasons are as follows:

- A. The member of staff withdraws the application
- B. The member of staff fails to attend two meetings
- C. The member of staff unreasonably refuses to provide their line manager with the required information

**87. The member of staff withdraws the application**

Where a member of staff withdraws an application they should notify their line manager and the HR Department, in writing as soon as possible.

88. A line manager who is informed verbally that an application is withdrawn but does not subsequently receive written confirmation should contact the member of staff to confirm their intentions. Where the line manager does not receive written confirmation from the member of staff, the HR Department should confirm the withdrawal in writing.

**89. The member of staff fails to attend two meetings**

Where a member of staff misses two meetings without reasonable cause the line manager may treat the application as withdrawn. It is therefore in the member of staff's interest to inform their line manager as soon as possible if and why they are not able to attend a meeting. If a member of staff misses a meeting and does not explain why, they can expect their absence to be treated less sympathetically. The line manager should warn the member of staff that they risk their application being treated as withdrawn if they miss another meeting without reasonable cause when rearranging the meeting.

**90. The member of staff unreasonably refuses to provide their line manager with the required information**

There may be occasions where the line manager is willing to accept a request for flexible working but requires the member of staff to provide them with certain information before they can do so. If an employee unreasonably refuses to provide the employer with the information, then the employer can treat the application as withdrawn.

CANTERBURY COLLEGE

Flexible Working Request Form

*Please read the policy and procedure on Flexible Working Requests before completing this application and check that you are eligible to apply for Flexible working under the Formal Policy. Before completing this form, you are advised to give careful consideration to which working pattern will help you to best care for your child or an adult, any financial implications it might have on you where the application involves reduced hours and a drop in salary (including any reduction in pension contributions) and any effects it might have on your department, together with how these might be accommodated.*

**Personal Details**

Your name (in full):

Office/post held: Department:

Date joined the College:

Date of any previous flexible working application:

I would like to apply to work for a flexible working pattern that is different to my current working pattern. I confirm that I meet each of the eligibility criteria as follows:

**Either**

I have responsibility for the upbringing of either:  
[ ] a child under six; or [ ] a disabled child under eighteen.

I am:

The mother, father, adopter, guardian, special guardian or foster parent of the child; or

Married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent.

I am making this request to help me care for the child.

**Or**

I am, or expect to be, caring for an adult.

I am:

The spouse, partner, civil partner or near relative of the adult in need of care; or

Not the spouse, partner, civil partner or near relative of that adult, but live at the same address.

I am making this request to help me care for the adult in need of care.

Current hours:

Current working pattern (days/hours/times worked):

Requested new hours:

The working pattern you would like to work in the future (days/hours/times worked):  
Any proposed reduction in hours to be worked? Yes/No

Requested date of commencement:

How will you be able to continue to perform all current duties within the proposed working pattern?

If you will not be able to perform all your duties, what duties will be affected?

How do you envisage such duties would be reallocated?

For us to consider your application and alternative ways of providing a service, please outline how your request will affect the following:

Service to other staff/students?

Colleagues who may have to cover at times when you would previously have been working?

Contact with the person who supervises your duties?

If your role includes acting as a mentor or appraiser for other members of staff/students, how do you propose to fulfil these responsibilities?

If your role involves supervision/direction of staff or students, how will this proposal affect your provision of supervision, communication, training, support etc?

Please give any additional information to support your application

***Declaration***

The information included in this application is correct. I understand that if this application is accepted it will mean a permanent change to my terms and conditions of employment and I will have no right in law to revert back to my previous working pattern.

Signed (applicant)

Date of request

***Employer's confirmation***

Application received on (date)

**On receipt of this application, I understand that I should meet with the employee within 28 days**

Signature of Head of Department or authorised deputy

**PLEASE FORWARD THIS REQUEST TO THE HR DEPARTMENT**