



# **FLEXIBLE WORKING TO CARE FOR CHILDREN**

## **POLICY INTO PRACTICE**

## **1. INTRODUCTION**

Stanmore College recognises the need for effective policies that play a key part in supporting an appropriate life-work balance. Such policies are intended to: allow a more effective combination of home and work responsibilities; enhance equality of opportunity at work; maintain the competitive advantage of the organisation by retaining skilled and valued employees.

## **2. SCOPE**

- 2.1 This scheme describes the rights, entitlements and obligations for parents who are employees at the College that enable them to request to work more flexibly. Employees are also encouraged to refer to other related policies available on the staff intranet such as Maternity Leave, Paternity Leave, Parental Leave and Leave of Absence. Alternatively, copies can be requested from the Human Resources Department.
- 2.2 The rights of staff making such requests are outlined in great detail in Statutory Regulations resulting from the Employment Act 2002 and this procedure reflects those detailed requirements.
- 2.3 Parents that request to work more flexibly will not be provided with an automatic right to work flexibly as there will be circumstances when the College is unable to accommodate the employee's desired work pattern. However the College will explore all options in an attempt to establish a positive solution.

## **3. ELIGIBILITY**

- 3.1 In order to make a request to change her/his working pattern an employee must satisfy the following criteria:
  - have a child under six, or under 18 in the case of a disabled child
  - have worked with Stanmore College continuously for 26 weeks at the date the application is made
  - make the application no later than two weeks before the child's sixth birthday or 18<sup>th</sup> birthday in the case of a disabled child
  - have or expect to have responsibility for the child's upbringing
  - be making the application to enable them to care for the child
  - not have made another application to work flexibly under the right during the past 12 months

#### 4. SCOPE OF A REQUEST

The changes that may be requested to the work pattern are:

- Altering the hours of work (e.g. working part-time, job share or term-time only etc)
- Changing the shift worked or times of work (e.g. working 8am to 4pm instead of 9am to 5pm, or working 8am to 6pm over 4 days)
- Working from home

#### 5. THE PROCEDURE

- 5.1 Initially the employee will need to make an application to their line manager by completing a Flexible Working Application Form. This can be obtained from the Staff Intranet or Human Resources Department. Employees will only be able to make one application a year, and an accepted application will mean a **permanent** change to the employee's own terms and conditions of employment. It will be important for the employee to give careful consideration to which working pattern will help them best care for their child.
- 5.2 Within 28 days of receipt of the application request, the line manager will arrange a meeting to discuss the request. This will provide both parties with the opportunity to explore the desired work pattern in depth, and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application. The employee will, if they wish, be able to bring a work colleague to the meeting.
- 5.3 Employees who are due to go on maternity leave, and wish to request to work flexibly on their return to work, should make their application as early as possible.

#### 6. MEETING

- 6.1 The employee is entitled to be accompanied at the meeting by a work colleague. If their work colleague is unable to attend the meeting, the employee can postpone the meeting to a more convenient date and where the postponed date is reasonable and is within five working days, the line manager must agree to the postponement.
- 6.2 The meeting will provide the line manager and the employee with the opportunity to discuss the desired work pattern in depth and consider how it might be accommodated within the department.
- 6.3 At the meeting employees should be prepared to expand on any points within their application. The line manager may ask an employee if there are any other working patterns they could consider and both the line manager and the employee should be prepared to be flexible.

- 6.4 The time limits for the meeting to take place can be extended if the line manager is absent from work or through agreement between the line manager and the employee.
- 6.5 There may be exceptional occasions where the procedure cannot be followed within the specified time limits. For example, a line manager may need extra time to speak to another employee who is on holiday, about whether they could work the hours left uncovered by the employee's requested work pattern, or the employee may be about to commence a period of leave. Extensions of time limits must be in agreement with both the line manager and the employee and the line manager must make a written record of the agreement. The written record must specify the period the extensions relate to, the date on which the extension is to end, be dated and sent to the employee.
- 6.6 Where an application is sent to the line manager and the line manager is absent from work due to leave or illness the matter shall either be referred upwards within the Department, or an automatic extension will apply. The period that the line manager has to arrange the meeting will commence either on the day of the line manager's return or 28 days after the application is made, whichever is sooner. On the line manager's return, the employee's application must be acknowledged in order to make the employee aware of the extension that has been applied and the date on which they can expect the meeting to take place.

## **7. DECISION**

- 7.1 Once the line manager and the employee have discussed the request, the line manager must notify the employee of the decision and confirm this in writing within two weeks following the date of the meeting.
- 7.3 Once it has been determined that the request meets the relevant criteria, the College shall only refuse an application for one or more of the following reasons:
- The department cannot afford the burden of additional costs (this may include accommodation or equipment costs)
  - There will be a detrimental effect on the department's ability to meet the demands upon it
  - It is not possible to re-organise work amongst existing staff
  - There will be a detrimental impact on quality
  - There will be a detrimental impact on performance
  - There will be insufficient work during the periods the employee proposes to work
  - There are planned organisational changes that militate against agreeing to the flexibility requested

## **8 REQUEST ACCEPTED**

If a request is accepted, the notification must include a description of the new working pattern, state the date from which the new working pattern is to take effect and be dated. The line manager may propose a trial period in which to assess the new working arrangements and in this case, the length of the trial period and the method of evaluating its success, should be included in the notification. The line manager must keep a copy of confirmation of agreeing the request. Where the request results in a change to contractual terms or in a member of staff working on different days of the week, the Human Resource Department must be informed.

## **9. REQUEST REJECTED**

If a request is rejected, the notification must state the ground/s for refusing the application, provide a sufficient explanation as to why the ground/s for refusal applies in these circumstances, provide details of the employee's right to appeal and be dated. The line manager must keep a copy of the notification that the request is rejected and forward a copy to the Human Resource Department. The decision should be consistent with the discussion that has taken place during the meeting.

## **10. APPEALS**

- 10.1 Where an employee believes that their request has not been properly considered they may appeal against the decision.
- 10.2 An appeal must be lodged within 14 days of receipt of the decision to reject the application. The employee must set out the grounds for their appeal in a dated letter to the HR Manager.
- 10.3 Within 14 days of the HR Manager receiving the notification of appeal from the employee a meeting to hear the appeal will be held. A senior manager from outside the department who was not previously involved in the request will be nominated (by the HR Manager) to consider the appeal and will consider the individual's grounds for appeal and the line manager's written confirmation of their reasons for rejecting the proposal.
- 10.4 If the appeal is upheld the written decision must include a description of the new working pattern, state the date from which the new working pattern is to take effect, and be dated. A copy of the notification will be held on the employee's HR file.
- 10.5 If the appeal is refused, the written decision must set out the reason for refusal in this case and provide a sufficient explanation of the grounds for the decision. A copy of the notification will be held on the employee's HR file. The senior manager's decision shall be final.