



Flexible Working Policy and Procedure

Date approved:	14 October 2015
Approved by:	Extended Executive
Review date:	September 2019
Responsible Manager:	Head of Human Resources
Executive Lead:	Group Director (HR and OD)
Accessible to Students:	No

1. Consultation

Consultation undertaken with:

• Newcastle College	Yes
• Group Services	Yes
• Newcastle Sixth Form College	Yes
• West Lancashire College	Yes
• Kidderminster College	No
• Intraining	No
• Rathbone	No

2. Applicability of Policy to Organisation

This policy applies to:

• Newcastle College	Yes
• Group Services	Yes
• Newcastle Sixth Form College	Yes
• West Lancashire College	Yes
• Kidderminster College	No
• Intraining	No
• Rathbone	No

3. Scope and Purpose of Policy

This policy and procedure does not form part of staff contracts of employment nor does it confer any contractual rights. It applies to any member of staff employed by Newcastle College, NCG Group Services, Newcastle Sixth Form College and West Lancashire College under a Contract of Employment. This policy does not apply to independent contractors working for NCG.

The aim of all NCG Policy frameworks is to give employees as much freedom as possible in how they deliver their work whilst recognising that to safeguard everyone's interest it is necessary to have in place rules that must be upheld in the workplace.

NCG promotes positive work-life balance and aims to ensure that there will be a fair and systematic approach to the management of flexible working requests in the workplace.

The aim of this policy is to ensure that:

- Everyone is treated fairly, consistently and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- Everyone knows what to do if they choose to submit a request for flexible working and how it will be managed.

4. Policy Statement

NCG is committed to attracting and retaining the best staff as well as utilising talent, experience and opportunities available to the organisation. NCG has an increasingly diverse workforce which includes parents, carers and individuals with other priorities such as the desire to pursue further training or study. As a result of this, it is important that we acknowledge a potential increase in demand for a better work-life balance.

NCG is committed to considering flexible working requests from all staff although this will be done in line with the needs of the business. We endeavour to take into account the possible benefits of flexible working arrangements to both employees and the organisation, whilst also considering areas of potential concern and possible compromises.

5. Equality and Diversity Statement

In accordance with NCG procedures an equality impact assessment has been undertaken for this policy on 9 September 2015.

6. Linked Policies

- Maternity Leave Policy
- Adoption Leave Policy
- Shared Parental Leave Policy
- Paternity Leave Policy
- Parental Leave Policy
- Special Leave Policy

7. Linked Procedures

- Maternity Leave Procedure
- Adoption Leave Procedure
- Shared Parental Leave Procedure

- Paternity Leave Procedure
- Parental Leave Procedure
- Special Leave Procedure

8. Location and Access to the Policy

The Flexible Working Policy is located as follows:

- NCG Intranet: Group Services: Group Policies and Procedures
- NCG Website: Media Centre: Guide to Information: Our policies & procedures

If employees have no access to the Intranet site and wish to view the policy, they should contact their line manager or their Human Resources Department.

9. Person Responsible for the Policy

Group Director of HR & OD

10. Variations

No variations to this policy have been made in relation to any Division of NCG to which it applies. Intraining, Rathbone and Kidderminster College have separate arrangements which reflect their structures.

Content

1. Equality and Diversity
2. Right to be Accompanied
3. Flexible Working Procedure
 - 3.1 Flexible Working Meeting
 - 3.2 Flexible Working Outcome(s)
4. Appeals Procedure
 - 4.1 Appeal Meeting
 - 4.2 Appeal Outcome(s)
5. Statutory reasons for refusing a request for Flexible Working

Appendix A - Flexible Working Application Form

Appendix B - Flexible Working Appeal Form

1. Equality and Diversity

Where an employee has a disability or other specific requirement and reasonable adjustments are necessary, the employee should reach prior agreement about the nature of such adjustments with the manager responsible for the relevant part of the procedure.

It is NCG policy that no audio recordings are permitted to be made any meeting other than in exceptional circumstances and by prior agreement e.g. to accommodate visual/hearing impairment.

2. Right to be Accompanied

Throughout the formal stages of this procedure, the employee has the right to be accompanied by a work colleague or a trade union representative. Consideration will also be given to requests to be accompanied at the informal stage of this procedure.

The employee should notify the manager responsible for chairing the meeting, in advance of the meeting, if they wish to be accompanied and who their companion will be.

The companion may, at the employee's request:

- Assist the employee to prepare for the meeting.
- Put forward the employee's response.
- Sum up the employee's response.
- Confer during the meeting and/or request an adjournment.
- Take notes on the employee's behalf.

The companion cannot answer questions on the employee's behalf.

Where the chosen companion cannot attend on the date proposed, an employee can propose an alternative time and date so long as it is reasonable and falls within 5 working days of the original date.

3. Flexible Working Procedure

All employees have the legal right to request a flexible working arrangement providing the following conditions are met:

- They are an employee (not including agency workers), **and**
- They have worked continuously for the organisation for a minimum period of 26 weeks at the date of application, **and**
- They have not made another application to work flexibly under the right during the previous twelve months.

When submitting a request for flexible working, the employee's application must be in writing using the attached form **Appendix A – Flexible Working Application Form** and it should include the following:

- The employee's current work pattern / arrangement.
- The flexible pattern / arrangement which they wish to be considered.
- The preferred start date.
- Whether it is a temporary or permanent request to change.
- An explanation of what business impact (if any) the employee thinks the proposed change would have on their department and how this impact might be effectively managed or dealt with.

On completion of the Flexible Working Application Form the employee should sign and date the form and submit it to their line manager for consideration.

Employees are encouraged to submit their application for flexible working at the earliest opportunity and where possible we would recommend that an individual submits this 3 months in advance of the date they would like the flexible arrangements to commence.

3.1 Flexible Working Meeting

Where a line manager receives a flexible working request, if it can be accommodated then there is no need to have a meeting with the employee. The request should still be discussed with the relevant Human Resources representative, before an outcome is confirmed. The line manager should:

- Write to the employee within 10 working days of receiving the request, confirming the outcome.

- Complete an amendment to T&C's requisition in order for the change to be processed.

Where a line manager is unsure about the request or requires further information then they should:

- Write to the employee inviting them to a meeting within 10 working days of receiving the application.
- The employee should be given a minimum of 5 working days' notice of the meeting date.

The relevant Human Resources representative may be present at this meeting.

The purpose of this meeting is for the line manager and the employee to discuss the request and determine how it may be accommodated. Where there are concerns regarding the request and the line manager is not able to accommodate it, then a discussion should take place regarding whether an alternative working arrangement can be agreed.

On occasion, it may not be possible to agree to the initial request or an alternative arrangement. Where this is the case the line manager should set out clear business reasons, which fall in line with the statutory reasons detailed in section 5 of this policy and procedure.

3.2 Flexible Working Outcome(s)

Where possible, within 10 working days of the meeting, the line manager will endeavour to confirm the outcome in writing to the employee. The outcome may be:

- **Accept the request**, establish a start date and identify any other relevant actions i.e. normally where an employer approves a flexible working request the variation in contractual terms is permanent and the employee has no automatic right to revert to their previous work pattern. However, agreement can be made between both parties that the arrangement can be for a specified time or trial period, **or**;
- **Confirm an alternative arrangement** which would normally have been discussed and agreed in principal at the meeting, **or**
- **Refuse the request**, detailing the reasons why (in line with the eight statutory business reasons stipulated for refusal – as detailed in section 5 of this policy and procedure). The letter will also confirm the employee's right of appeal against the decision.

Please note that in all cases the line manager must make the relevant Human Resources representative aware of a flexible working outcome, before the decision is communicated to an employee.

4. Appeals Procedure

If an employee considers that the decision taken regarding the flexible working request, is unreasonable or unfair and an alternative arrangement has not been agreed, they have the right to appeal against it.

The appeal should be made in writing using the attached form **Appendix B – Flexible Working Appeal Form** and it should include the following:

- The name of the manager who considered the initial flexible working request.
- The name of the next appropriate level of manager, who will be responsible for hearing an appeal.
- The reason/s for the appeal.

On completion of the Flexible Working Appeal Form, the employee should sign and date the form and submit it to the next level of manager for consideration. This should happen within 10 working days of the date of the letter informing the employee of their line manager's original decision.

4.1 Appeal Meeting

Where the next level of manager receives a flexible working appeal they should immediately forward a copy to the relevant Human Resources representative. The line manager should then:

- Write to the employee inviting them to an appeal meeting within 10 working days of receiving the appeal.
- The employee should be given a minimum of 5 working days' notice of the meeting date.

The Human Resources representative will be present at this meeting. Records and access to all relevant documentation, of the flexible working decision being appealed against, will be made available to the person chairing the appeal.

The purpose of the appeal meeting is for the employee to discuss with the next level of manager, the grounds for their appeal and how it may be possible to proceed.

Where there are concerns regarding the feasibility of the initial request / the grounds of appeal and if the next level of manager agrees that the request cannot be accommodated, then a discussion should take place regarding whether or not an alternative working arrangement can be agreed.

4.2 Appeal Outcome(s)

Where possible, within 10 working days of the appeal meeting, the next level of manager will endeavour to confirm the outcome in writing to the employee.

The outcome may be to:

- **Uphold the original flexible working decision** to refuse the flexible working request, detailing the reasons why (in line with the eight statutory business reasons stipulated for refusal – as detailed in section 5 of this policy and procedure). The letter will also confirm that this decision is final and there is no further right of appeal **or**
- **Overtake the original flexible working decision** and identify the agreed variation, establish a start date and to identify any other relevant actions i.e. whether it is to be a permanent or temporary arrangement.

Please note that in all cases the next level manager must make the relevant Human Resources representative aware of a flexible working appeal outcome, before the decision is communicated to an employee.

5. Statutory reasons for refusing a request for Flexible Working

In law, an employee has the right to request a flexible working arrangement although this does not automatically mean that it will be approved. Likewise an organisation is legally obliged to seriously consider a statutory flexible working application made by an individual but may refuse requests on the following grounds:

- The burden of additional cost.
- A detrimental effect on ability to meet customer demand.
- A detrimental impact on quality.
- A detrimental impact on performance.
- The inability to re-organise work amongst existing staff.
- The inability to recruit additional staff.
- Insufficiency of work during the periods the employee wishes to work.
- Where there are planned structural changes.

Appendix A - Flexible Working Application Form

Name	
Position	
School / Service	
Line Manager	

I would like to apply for a flexible working pattern that is different from my current working pattern. I confirm I meet the eligibility criteria as follows (please tick all that apply):

- I am an employee of the organisation, **and**
- I have worked continuously for a minimum period of 26 weeks, **and**
- I have not made a request to work flexibly during the previous 12 months.

My current working arrangement is:

The flexible working arrangement I would like you to consider is:

--

The date I would like the change to be effective from is:

--

I would like this change to be permanent or temporary until --/--/----

--

I believe the business impact my proposed change would have on the department is:

--

I believe this impact could be effectively managed or dealt with by:

--

--	--

Signed:	Date of Application:
---------	----------------------

Appendix B - Flexible Working Appeal Form

Name	
Position	
School / Service	
Line Manager (who considered initial request)	
Next Level Manager	

I would like to appeal against the decision made with regards to my recent flexible working request and my reasons for this are:

--	--

Signed:	Date of Application:
---------	----------------------