

<u>Policy Title</u>	<b>NCG Flexible Working Policy</b>
<u>Policy Category</u>	Compliant
<u>Owner</u>	Director of People and Development
<u>Group Executive Lead</u>	Chief Executive Officer
<u>Date Written</u>	December 2020
<u>Considered By</u>	N/A
<u>Approved By</u>	Executive Board
<u>Date Approved</u>	January 2021
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on December 2020. This policy is available in alternative formats, if required
<u>Freedom of Information</u>	This document will be publicly available through the Groups Publication Scheme.
<u>Review Date</u>	December 2022
<u>Policy Summary</u>	The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for flexible working.

<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Carlisle College	Yes	Yes
Group Services	Yes	Yes
Kidderminster College	Yes	Yes
Lewisham College	Yes	Yes
Newcastle College	Yes	Yes
Newcastle Sixth Form College	Yes	Yes
Southwark College	Yes	Yes
West Lancashire College	Yes	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
	New NCG policy incorporating individual College policies into one Group policy, streamlining processes in line with current legislation.

<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
NCG Maternity / Paternity / Shared Parental / Adoption Policy	
NCG Sickness Absence Policy	
NCG Non Sickness Absence Policy	



### 1. **Scope and Purpose of Policy**

This policy does not form part of colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.

### 2. **Introduction**

The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for flexible working.

### 3. **Referral to an alternative policy / procedure**

Where absence relates to long term absence or an underlying health condition, then the matter will be managed in line with the NCG Sickness Absence Policy.

Where absence is due to leave including maternity, paternity, adoption, shared parental and parental leave, then the matter will be managed in line with the relevant NCG policy.

Where absence relates to emergency time off work, then the matter will be managed in line with the NCG Non-Sickness Absence Policy.

### 4. **Flexible Working**

Flexible working is a working arrangement which gives some degree of flexibility on how long, where, when and at what times a colleague works. It is a way of helping support colleagues in balancing their home and work responsibilities. Colleagues are entitled to make one flexible working request in a 12-month period and this is normally a permanent change to their terms and conditions.

### 5. **Eligibility for flexible working**

To qualify for flexible working colleagues must:

- Have 26 weeks' continuous service.
- Not have made a flexible working request in the last 12 months.

### 6. **Notification of flexible working**

Where a colleague wishes to apply for flexible working, this should be done through discussions as part of regular one to one meetings and open communication between the colleague and their manager is encouraged at all times. The colleague will need to let their manager

know in writing that they would like to make a flexible working request (appendix A).

The manager will, where possible try to be flexible and accommodate the request, however this will be reviewed in line with business needs. If the manager can accommodate the request, there will be no requirement for a flexible working meeting and the manager will process the requested change and confirm this in writing.

### **7. Invite to formal flexible working meeting**

Where a manager requires further detail to fully understand the request and the potential business implications, reasonable notice of a flexible working meeting will be given. Normally, this will be 7 calendar days, unless otherwise agreed.

Timeframes may be adjusted at the discretion of the manager to allow sufficient time for the provision of alternative formats of documents to be made available.

The invite to the meeting will confirm that the formal procedure is being implemented, the date, time and venue of the meeting and confirm any entitlements (i.e. the right to be accompanied) and the possible outcome as a result of this procedure.

### **8. Right to be accompanied**

At formal meetings, colleagues have the right to be accompanied by a trade union representative or an NCG colleague.

The chosen companion will be allowed to address the meeting, respond on the colleagues behalf to any view expressed and sum up the case on their behalf. However, the meeting is essentially between the colleague and the manager, and is the colleague's opportunity to provide further details, so any questions put directly to the colleague should be responded to by them and not their companion.

Colleagues should make every effort to attend. If the colleague or their companion cannot attend a meeting at the date or time arranged, they should let the manager know as soon as possible and within reason agree an alternative date and time. If a colleague fails to attend without explanation, or fails to attend a rescheduled meeting, the meeting may take place in their absence.

If a colleague has disclosed an underlying health condition, suffer from a chronic illness or disability, the manager will consider requests for a non-participating health care provider to be present during formal meetings.

### **9. Note taking and recording**

Other colleagues attending the meeting will include a note taker and may involve a member of the HR team.

Recording equipment cannot be used at any time during meetings. Non-verbatim notes will be taken during the meeting and colleagues will be provided with a copy of the notes from their meeting. The colleague or their representative are welcome to take their own notes.

### **10. During the meeting**

At the meeting the manager will discuss the request, outline any concerns, and give the colleague the opportunity to respond and to provide any other relevant information as to how the request may be accommodated. Where the manager is unable to agree to the request, the colleague and the manager should discuss whether an alternative working arrangement can be agreed.

The manager will summarise what has been discussed and adjourn the meeting before making a decision regarding the outcome.

### **11. Outcomes following the meeting**

The manager will take due consideration of occupational health advice or arrangements before determining any outcome. Therefore, it is imperative that colleagues disclose any underlying health conditions, chronic illnesses or disabilities early on in any process.

Following the flexible working meeting, the outcome may be:

- The request is agreed.
- An alternative arrangement is agreed.
- The request is declined, in line with the statutory reasons.

The outcome will be confirmed in writing outlining any next steps, where appropriate. Where a request has been declined, the colleague will be notified of their legal right to appeal.

### **12. Statutory reasons for refusing a request**

The statutory reasons for refusing a flexible working request are;

- The burden of additional cost which could damage the business.
- A detrimental effect on ability to meet customer demand.
- A detrimental impact on quality and / or performance.
- The inability to re-organise work amongst existing staff.
- The inability to recruit additional staff.

- Insufficiency of work during the periods in which the colleague wishes to work.
- Where there are planned structural changes which may be affected by such a request.

### **13. Right of Appeal**

Colleagues have the right to appeal against the outcome of a declined flexible working request. They should appeal in writing to the person identified in the outcome letter, stating the full grounds of their appeal, within one calendar week of receipt of the outcome letter.

Any appeal should be exercised under the relevant policy rather than raising a grievance under the NCG Grievance Policy.

A manager will be appointed and a further meeting will be held to discuss the appeal. The colleague will have the right to bring a companion in line with other formal meetings. As the appeal meeting is formal, the same principles will apply to that of other formal meetings with regards to the meeting invitation, rights, attendees, responsibilities and expectations.

Following the formal appeal meeting, the outcome may be:

- The original decision is upheld.
- The original decision is overturned.
- An alternative arrangement is agreed.

The outcome will be confirmed in writing outlining any next steps, where appropriate. The appeal manager's decision is final and there is no further right of appeal.

### **14. Variations to this policy / procedure**

This procedure is intended as an overview of how flexible working requests are managed, however, it may need to be adapted to suit the needs of each situation. On occasions, it may not be appropriate to follow each of the stages in turn or in the timescales suggested. Regardless of the stage at which this procedure is started, support will be offered and implemented to assist colleagues throughout the process.



**Appendix A: Flexible working request form**

This form should be completed by colleagues who would like to request flexible working.

**Section A: Colleague Details**

<b>Surname</b>		<b>Forename</b>	
<b>Payroll ID</b>		<b>Department</b>	
<b>Date of Request</b>		<b>Submitted request in last 12 months? (Y/N)</b>	

**Section B: Describe your current working arrangement**

**Section C: Describe the change(s) to working arrangements you would like, when you would like it to start and the impact this would have on the business and colleagues**

**Section D: Describe how you think this can be accommodated by the business**

**Section E: Colleague signature**

Colleague signature		Date	
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