

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
Flexible Working Policy		March 2024
APPROVED BY	VERSION NO.	VALID UNTIL
Executive Board	4	March 2027

<b>OWNER</b>	Director of People & Development		
<b>GROUP EXECUTIVE LEAD</b>	Executive Principal – People & Culture		
<b>DOCUMENT TYPE</b>	Policy <input checked="" type="checkbox"/>	Group Procedure <input type="checkbox"/>	Local Procedure <input type="checkbox"/>
<b>PURPOSE</b>	The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for flexible working.		
<b>APPLICABLE TO</b>	All NCG colleagues who are employed either on a permanent or temporary basis.		
<b>EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	(If EA not applicable, please explain)		
<b>KEY THINGS TO KNOW ABOUT THIS POLICY</b>	<ol style="list-style-type: none"> <li>NCG employees may apply for flexible working in accordance with the provisions of this policy.</li> <li>To qualify for flexible working, colleagues must not have made more than one other flexible working request in the last 12 months.</li> </ol>		
<b>EXPECTED OUTCOME</b>	Readers are expected to understand the organisational position on flexible working, know their responsibilities in relation to the policy and comply with the terms of the policy.		

MISCELLANEOUS	
<b>LINKED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>Sickness absence policy</li> <li>NCG Hybrid Working Policy</li> <li>NCG Adoption Policy</li> <li>NCG Maternity Policy</li> <li>NCG Parental Leave Policy</li> <li>NCG Paternity Policy</li> <li>NCG Shared Parental Leave Policy</li> </ul>
<b>KEYWORDS</b>	<ul style="list-style-type: none"> <li>Flexible working</li> <li></li> </ul>

## Equality Impact Assessment

EQUALITY IMPACT ASSESSMENT			
	Yes	No	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The answer to this must be YES
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Disability / Difficulty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity.
EIA 6 - How do you know that the above is correct?	<p>This is 'reality check' question to ensure that this is not a simple box ticking exercise.</p> <p>A simple way of ensuring that this is the case is to ensure that the policy/process author has consulted with peers and appropriate groups of people in the Group.</p> <p>As a general rule, the wider the reach and potential impact of the Policy the wider the consultation.</p>		

## **1. GENERAL POLICY STATEMENT**

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

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. 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 Authorised Absence Policy.

## **3. 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 two flexible working requests in a 12-month period and this is a permanent change to their terms and conditions.

Where it is unclear if a flexible working arrangement can be accepted as a form of mitigation, a trial period may be mutually agreed, with a set review process. The trial period will be monitored and an outcome will be in line with section 11.

## **4. ELIGIBILITY FOR FLEXIBLE WORKING**

To qualify for flexible working colleagues must:

- Not have made more than one other flexible working request in the last 12 months.

## **5. 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**). When a manager receives a flexible working request this needs to be dealt with within two months.

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.

## **6. 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.

## **7. 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 nonparticipating health care provider to be present during formal meetings.

## **8. 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. Nonverbatim 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.

## **9. 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.

## **10. 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. The Manager is to complete Form A – Flexible Working Request with the outcome and attach to the colleagues' records.

## **11. 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 / student experience
- 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.

## **12. 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.

### **13. 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.

### **14. STATEMENT ON IMPLEMENTATION**

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up.

### **15. STATEMENT ON EQUALITY AND DIVERSITY**

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#).

This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

## 16. STATEMENT ON CONSULTATION

This policy / procedure has been reviewed in consultation with HR colleagues and members of the Policy Review Council.

<b>VERSION CONTROL</b>				
<b>Version No.</b>	<b>Documentation Section/Page No.</b>	<b>Description of Change and Rationale</b>	<b>Author/Reviewer</b>	<b>Date Revised</b>
1	New policy	N/A	Head of HR	10/2015
2	Amends throughout	Updated to incorporate individual College policies into one Group policy, streamlining processes in line with current legislation.	Director of People & Development	01/2021
3	Minor amends throughout	N/A	Director of People & Development	02/2023
4	Minor amends throughout	Updated to reflect legislative changes, changes to the flexible working request form (Appendix A) and transferred to new policy template	Director of People & Development	03/2024

## Appendix A: Flexible working request form

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

### Section A: Colleague Details

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

### Section B: Describe your current working arrangement

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### Section C: Describe the change(s) to working arrangements you would like and when you would like it to start

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### Section D: Colleague signature

Colleague signature		Date	
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**Section E: To be completed by the line manager: Where you have agreed to the request to a reduction in FTE please give full details of how it meets business needs and if backfill is required.**

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**Section F: Manager signature**

Colleague signature		Date	
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