

## Flexible Working Policy

Version Number	<i>Issue 4.0</i>
Date Revision Complete	<i>February 2018</i>
Policy Owner	<i>Head of HR &amp; OD</i>
Author	<i>Head of HR &amp; OD</i>
Reason for Revision	<i>3 yearly review</i>
Data Protection	<i>Nothing substantially relevant.</i>
Proof Read	<i>Yes</i>
Date Approved	<i>February 2018</i>
Approved by	<i>EMT</i>
Next Review Due	<i>February 2021</i>

Audience – Training and Awareness Method	<i>Briefing note will be produced to accompany revised policy. The Policy will be placed on The Loop</i>
Effective Date	<i>February 2018</i>

Internal References	
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External References	
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Comments	
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## 1. INTRODUCTION

Blackwood is committed to offer a range of flexible working options to help employees balance work and home life. Blackwood recognises the positive experiences that a proper work life balance can bring and wishes to establish an attractive working environment which supports employees' work life balance without compromising service delivery. Flexible Working forms an integral part of the overall reward package and is highlighted both at recruitment and as a valuable retention tool.

## 2. PRINCIPLES AND SCOPE OF THE POLICY

- 2.1 The Policy is open to all employees of Blackwood on an application basis.
- 2.2 Where a service to customers is provided, the needs of the customer will always take priority, although shift patterns may be varied or amended to accommodate compromise if required.
- 2.3 All employees have a statutory right to make a flexible working request under the Employment Rights Act 1996. All applications will be treated in a reasonable manner.
- 2.4 Any decision regarding an application for flexible working made during the probationary period will normally be held until the end of the probationary period, except in exceptional circumstances.
- 2.5 Blackwood has separate policies which support employees achieving a work life balance including Compassionate Leave, Parental Leave and Emergency Time off for Dependants.

## 3. KEY OPERATIONAL FRAMEWORK

### 3.1 Scope of a Request

#### 3.1.1 Employees are entitled to request:

- a change to the hours they work; or
- a change to the times when they are required to work; or
- to work from home.

#### 3.1.2 Blackwood will carefully consider all such requests as in some circumstances the requested arrangement may not be suitable or there may be uncertainty as to whether the request will lead to a suitable arrangement.

## 3.2 **Flexible Working Options**

3.2.1 The standard options for flexible working available to employees are outlined below.

## 3.3 **Flexi Time**

3.3.1 All Blackwood non-care employees (with the exception of the EMT/SMT) can usually work on a system of flexi time, details of which are available from the Human Resources Team.

## 3.4 **Part Time Working**

3.4.1 An employee can request to work part time on a permanent basis. A number of posts in Blackwood are Part time, that is less than 35 or 37 hours per week. If an employee requests to work part time Blackwood prefers to create two part time posts to cover the work rather than create a job share situation. Job sharing where two or more people share the responsibility for the full time post can become onerous and more complicated in relation to flexibility.

## 3.5 **Home Based Working**

3.5.1 Where it is practicable Blackwood may consider making a post home based in order to help a prospective or present employee to retain their job and balance their home commitments. Time spent working from home should not be used for caring responsibilities.

3.5.2 Health and Safety risk assessments will be undertaken and special arrangements will be made in the contract of employment to take account of arrangements.

3.5.3 It may also be possible for employees to work from home on a regular or an infrequent basis depending on the requirements of Blackwood. Any requests for regular homeworking should be made through an employee's manager. Infrequent requests for home working should again be agreed in advance. Risk assessments are required for regular home working agreements.

3.5.4 Reference should be made to the Homeworking Policy for further information.

## 3.6 **Voluntary Reduced Work Time**

3.6.1 This enables employees to trade pay and time off. Employees may be given the option of reducing full time working hours on a permanent basis or for an agreed period of time with the right to return to full time work afterwards. This helps Blackwood to retain employees who may be facing a difficult personal situation, ill health or a medium term domestic urgency. The policy will not supersede an employee's right to sick pay under Blackwood's sickness benefit.

## 3.7 **Compressed Hours**

3.7.1 A 'compressed' working week allows an employee to maintain their total weekly working hours but to work these over fewer days. For example, 35 hours worked over 4 days rather than 5 days.

3.7.2 Compressed hours can also be calculated over a longer timescale such as a fortnight. For example, 70 hours worked over 9 days instead of 10 days.

3.7.3 Annual leave will normally be prorated on the basis of the number of days worked in a compressed hours arrangement. For example, if the number of working days is reduced from 5 to 4 per week, annual holiday entitlement will be reduced on a pro rata basis by 20% (reducing entitlement from 22 annual leave days to 18 days and 12 public holidays to 10 days).

### 3.8 **The Procedure**

3.8.1 Any requests for flexible working must be made by the employee in writing to their manager, who will then inform the HR team. The written request should include:

- A date on the letter of application
- The new working pattern
- The proposed date of commencement
- The impact they think the proposed change may have on their role and department
- How this impact can be managed
- A statement that this is a statutory request and when their last application, if any, was submitted

3.8.2 An employee request should be made in plenty of time before the employee requested work pattern is to take effect. A minimum of 3 months should be allowed. If the request is incomplete an employee can be asked to re-submit it.

3.8.3 Employees are entitled to make a request for flexible working once in a twelve month period. The period commences from when the first request is made.

3.8.4 All requests will be dealt within 3 months from the date of application.

3.8.5 All requests will be acknowledged in writing by the manager. Email is acceptable providing a return receipt is applied.

3.8.6 Blackwood will arrange to meet with the employee in order to explore the desired work pattern in depth, and to discuss how best it might be accommodated. A meeting is not necessary if Blackwood can accommodate the new working pattern. Blackwood will also consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application. The employee is entitled to bring a fellow employee as a companion to the meeting.

3.8.7 After the meeting Blackwood will write to the employee to either agree to a new work pattern and a start date; or to provide business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances.

3.8.8 Under the Employment Rights Act (1996) a flexible working application can only be denied for the following reasons:

- The burden of additional costs
- An inability to reorganise work amongst existing employees
- An inability to recruit additional employees
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental impact on the ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural organisational change

### 3.9 **Extensions of Time Limits**

3.9.1 There may be circumstances where it is not possible to complete a particular part of the procedure within the specified time limits. This may be because of the complexity of the investigation needed to assess the suitability of the requested working arrangement. In exceptional circumstances an extension of the time limit can take place if agreed by both the manager and the employee. The manager will make a written record of the agreement which will be forwarded to the employee specifying what period the extension relates to and the date on which it is to end.

### 3.10 **Appeals**

3.10.1 An employee can appeal against Blackwood's decision to refuse an application by giving written notice of the grounds of appeal within 14 days after the date on which notice of the decision is given.

3.10.2 Blackwood will hold a meeting with the employee to discuss the appeal within 14 days after the employee has given notice. Blackwood will notify the employee in writing of its decision on the appeal within 14 days after the date of the hearing.

3.10.3 The appeal will be heard by a member of the Senior Management Team who was not involved in the original decision to ensure that the employee has a fair hearing.

3.10.4 The employee may bring a fellow worker as a companion to the appeal hearing.

3.10.5 The outcome of the Appeal is binding and is the final stage in Blackwood's Flexible Working Policy.

### 3.11 **Flexible Working Arrangements and the Contract of Employment**

3.11.1 If accepted, a flexible working request can lead to a permanent change to the employee's contract of employment. If this is the case then the employee may not revert back to previous working arrangement without the agreement of Blackwood. It is therefore important to consider a trial period, where appropriate, see section below.

### 3.12 **Trial Periods**

As part of the process of Blackwood assessing whether a flexible working arrangement is feasible and sustainable, a trial period may be utilised. This can be done in two ways:

- a) Blackwood could give agreement to a trial before a formal flexible working request has been made by the employee. The employee could then go on to make a formal request using the procedure, or
- b) if a formal application is made, an extension of time for Blackwood to make a decision could be agreed, and the trial period could happen before a final agreement takes place. These arrangements should be confirmed in writing by the manager.

A trial period is only generally invoked by the employer, it can not be used by an employee to try another working pattern.

### 3.13 **Communication of New Working Pattern**

3.13.1 It is important that an employee clearly communicates any change to their working pattern and that their revised working pattern and availability is clearly outlined in the Outlook calendar. In the case of home working, the employee must clearly indicate their contact details for when they are working at home.

3.13.2 In the case of home working employees should consider the use of technology, such as Skype for Business to ensure that they can take a full and active part within the team.

### 3.14 **Flexibility**

3.14.1 Although a change to working arrangements may be agreed, it will be necessary for employees to attend work outside of these hours on occasion. This may be to attend important meetings or training etc. The employee is expected to attend any reasonable requests and Blackwood undertakes to provide them with reasonable notice of this requirement.

### 3.15 **Review of Flexible Working Arrangements**

3.15.1 In extreme circumstances Flexible working arrangements can be reviewed and possibly withdrawn if it can be demonstrated that:

- the performance of the individual employee suffers as a result; or
- that the effective and efficient operation of the service or the team is compromised; or
- that the ability of the wider organisation to fulfil its objectives is compromised.

3.15.2 The employee will be informed in advance of any decision taken to review the flexible working arrangements previously granted in accordance with this policy. The appeal process can be used if the employee disagrees with decision to withdraw or alter the arrangements.

### 3.16 **Equality and Diversity**

Blackwood will not discriminate in the operation of this policy on the basis of age, gender, race, colour, ethnic or national origin, religion or belief, marital status, family circumstances, political or sexual orientation, medical condition or disability. Blackwood aims to promote equality of opportunity for all and complies with the current legal requirements in relation to equality and diversity issues.

## **4. REVIEW**

4.1 This policy will be reviewed every 3 years or earlier as required.