

TITLE	REF	VERSION
Flexible Working Procedure	HRPRO012	1.2

DEPARTMENT	Group Human Resources		
DATE	1/7/2023	REVIEW DATE	1/7/2025

FLEXIBLE WORKING PROCEDURE

Procedure Statement

Activate Learning believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress, and improve performance and productivity. All employees have the right to request flexible working from their first day of employment and to have their request considered seriously by their employer.

Requests for flexible working

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some, or all the work from the employee's home.

Eligibility

An employee has the right to apply for flexible working from their first day of employment. Employees are only permitted to submit up to two flexible working requests over a rolling twelve-month period. Additional requests may be permitted however, these will be managed on an individual basis.

Process for making a flexible working request.

All requests must be made in writing on the Flexible Working Application Form (appendix 1) and submitted via the HRBP Service Desk <https://servicedesk.activatelearning.ac.uk/>. Any request made under this policy must include:

- the date of the application.
- the changes that the employee is seeking to their terms and conditions.
- the date on which the employee would like the terms and conditions to come into effect.
- a statement that this is a statutory request.
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the request is being made by an employee defined as disabled by the Equality Act 2010 as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.

The employees Manager should not unreasonably refuse a request that does not contain the required information but should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Flexible Working Request Process

Acknowledgement of Flexible Working Request

Once a Manager and Associate HRBP have received the request, an acknowledgement of receipt will be sent to the employee within 7 working days by the Associate HRBP.

Meeting with the Employee to discuss the Flexible Working Request

The Flexible Working Request will be dealt with as soon as possible, but no later than 28 days of receipt of the Flexible Working Application Form. The line manager will usually arrange a meeting to deal with the request. Where a request can, without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary.

An employee should be given the right to be accompanied by a union representative or work colleague at any flexible working meeting. The meeting should take place privately. The aim of the meeting is to find out more about the proposed working arrangements. The Associate HRBP may accompany the Manager at the meeting at their request.

Outcome of a flexible working request

After the meeting, the Manager will consider the proposed flexible working arrangements. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Accepting the Flexible Working Request

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than five working days following the meeting. The request may be granted in full or in part: for example, Activate Learning may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

If the request is granted, it will be a permanent change to the employee's terms and conditions of employment and the employee will have no automatic right to revert to the previous working arrangements. In most circumstances, the Manager will need to raise a Staff Requisition Form (SRF) to initiate a contract variation to reflect the new working arrangements.

Refusal of a flexible working request

Where a flexible working request is refused, the Manager will write to the employee within 5 working days stating which of the specified grounds for refusal it considers to be applicable, and what alternatives have been considered. Reasons for refusal must be for one or more prescribed business reasons, which are:

- the burden of additional costs.
- an inability to reorganise work among existing staff.
- an inability to recruit additional staff.
- a detrimental impact on quality.
- a detrimental impact on performance.
- a detrimental effect on ability to meet customer demand.
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

The line manager must not reject a request for any other reason. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

Appeal Process

An employee has the right to appeal the outcome of their application for flexible working. An appeal should be made in writing, giving reasons for the appeal, to the Group Director of People & Development within five working days of the receipt of the outcome letter.

An appeal meeting will be held within 14 days following the receipt of the employee's letter and the employee will be given at least five working days' notice of the date, time, and place for the appeal hearing. The employee may choose to be accompanied to the meeting by either a work colleague or union representative.

The decision of the chair of the appeal will be notified to the employee within five working days of the appeal hearing. The decision will be final and binding and there will be no further right to appeal.

Timescales

All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal. The line manager should hold the meeting within 28 days of receiving the request and notify the decision to the employee within five working days of the meeting, so that there is enough time for any appeal to be concluded.

Employees who are dissatisfied with the outcome of their request are to lodge an appeal within five working days of the notification, with the appeal to be heard within 14 days. The employee will be informed of the outcome of their appeal within five working days of the appeal meeting.

The above time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Problems with a flexible working request

If an employee is dissatisfied or unclear at any stage throughout the process, they should contact their Associate HRBP. If an employee is dissatisfied with the way in which their request has been managed, they may raise a grievance under the organisation's grievance procedure.

Managers who receive a request will have regard to the organisation's equal opportunities procedure when considering the request.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Law relating to this document.

- Employment Rights Act 1996
- Children and Families Act 2014
- Data Protection Act 2018
- Flexible Working Regulations 2014 (SI 2014/1398)
- General Data Protection Regulation (2018)
- Equality Act 2010

References

- [Family Friendly Policy](#)
- [Grievance Procedure](#)
- [Equality and Diversity Policy](#)

Appendices

Appendix 1 – Flexible Working Application Form

Flexible Working Application Form

Please complete and email to your manager copying in your Associate HRBP. You will receive a receipt of your application within seven working days.

EMPLOYEE DETAILS					
Name					
P00 Number					
Job Title					
Department					
Location					
Line Manager					
Do you have a disability as defined under the Equality Act 2010		Yes: No:			
I confirm I have not made more than two applications for flexible working in the last 12 months		Yes / No If yes – Dates:			
Describe your current working pattern (days/hours/times worked)					
Day	Times		Length of Break		No of Hours Worked (Excluding Break)
	Start Time	End Time			
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Total					
Describe your proposed working pattern (days/hours/times worked)					
Day	Times		Length of Break		No of Hours Worked (Excluding Break)
	Start Time	End Time			

Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Total				
What date would you like this working pattern to commence			Date:	
Additional Information Please use the section below to provide your manager with any additional information that may support your application.				

I understand I have a statutory right to apply for flexible working and have considered my application carefully and completed the application to the best of my knowledge.

Employee Signature:

Date: