

1 FLEXIBLE WORKING POLICY

1.1 Introduction

The purpose of this policy is to advise and guide all eligible employees on the rights available and procedure to follow should they wish to apply for flexible working. The Firm acknowledges the right of any eligible employee to apply for flexible working and undertakes to treat the employee fairly and equitably, maintaining all their statutory rights.

This policy does not form part of any employees' contract of employment and we may amend it from time to time.

1.2 Scope

This policy applies to all eligible employees full-time or part-time.

Eligible employees may request:

- A change to the hours they work
- A change to the times when they are required to work
- To work from home

Any change granted would be deemed as a permanent variation to the terms and conditions of employment, unless otherwise agreed.

1.3 Eligibility

All Employees with continuous service with the Firm have a right to apply to work flexibly. This right aims to facilitate discussion and encourage both the employee and the Firm to consider flexible working patterns in order to find a solution that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the Firm is required to follow a specific procedure to ensure requests are considered seriously.

To be eligible to make a request under this right, a person must:

- Be an employee.
- Have worked for the Firm continuously for 6 weeks at the date the application is made.
- Not have made another application to work flexibly under the right during the past 12 months.

1.4 Procedure

Employees may wish to discuss their application informally with their Supervisor prior to instigating the formal procedure.

The initial responsibility will be on the employee to make a considered application in writing. They will be able to make only one application per year, and an accepted application will mean a permanent change to the employee's own terms and conditions of employment. The employee should therefore give careful consideration to which working pattern will suit them; any financial implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the Firm's operations and how these might be accommodated.

An application under the statutory procedure must:

- Be in writing;
- State the application is being made under the statutory flexible working provisions;

- State the application is for a change to the employee's terms and conditions of employment;
- Specify the change applied for and the date on which it is proposed the change will become effective;
- Explain what effect, if any, the employee thinks the proposed change would have on the work colleagues and service delivery and how, in their opinion, any such effect might be dealt with;
- State the date on which it is proposed the change should become effective;
- State whether a previous application has been made to the Firm and, if so when it was made;
- Be dated.

The application should be submitted to the Supervisor in good time and ideally at least 2 months before the employee wishes the change to take effect.

In most cases it will be necessary to have a meeting to discuss the employee's request. In some cases it may be possible to approve the request without a formal meeting.

Where necessary the Supervisor will arrange to meet with the employee. This will provide the Firm and the employee with the opportunity to explore the desired work pattern in depth, and to discuss how best it might be accommodated.

It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's original application. The employee may be accompanied at the meeting by another worker employed by the Firm.

Following the meeting, the Supervisor will write to the employee with a decision on the request.

If the request is accepted, or where the Firm proposes an alternative to the requested work pattern, the Supervisor will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter and a copy placed in the employee's personal file. Unless otherwise agreed (and subject to any agreed trial period) changes to terms of employment will be permanent.

If the Supervisor needs more time to make a decision, they will discuss this with the employee. All requests will be dealt with within a 3 month period of receiving the request, including any appeal.

If the Firm cannot accept the employee's request, the Supervisor will write to the employee, providing clear business grounds as to why the application cannot be accepted, the reasons why the business grounds apply in the circumstances and the employee's right to appeal.

Employees who have their request for flexible working declined have a right to appeal the decision within 14 days of being notified of the Firm's decision. Employees will be advised in writing of whom they may appeal to and this will normally be a more senior manager. The appeal should be in writing and set out the grounds on which you are appealing.

An appeal hearing will be arranged with the employee. The employee may be accompanied at the meeting by another worker employed by the Firm. The aim of the appeal is to encourage both parties to reach a satisfactory outcome to the request.

Following the appeal hearing, the Manager will write to the employee advising of the Firm's decision to uphold or reject the appeal. If the appeal is upheld, the employee will be advised of the new working arrangements as above. If the appeal is rejected, the written decision will give the business reasons for the decision and explain why the reason applies in the employee's case.

Any extensions to the time limits referred to above will be agreed with the employee and recorded in writing.

Employees will not be able to make another formal request until 12 months after the date of the original application.

1.5 Grounds for Refusal

The Firm may refuse an employee's application where one or more of the following grounds apply:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- Any other ground the Secretary of State may specify by regulations

1.6 Variation in Terms and Conditions

Any request for flexible working, which is granted, will result in a variation to the employee's terms and conditions of employment. This may be on a permanent or temporary basis as agreed. Where there is a reduction in the hours of work of the employee, this will result in a reduction pro rata of benefits in accordance with the number of hours worked by the employee.

1.7 Abuse and Complaints

Where an employee is found to be abusing the policy, they will be subject to the normal Firm disciplinary procedure.

Any complaint or grievance regarding flexible working should be made through the Firm's grievance procedure.

1.8 Withdrawal of Application

The Firm is no longer under a duty to consider a request for flexible working where it has been, withdrawn by the employee. An application will be considered withdrawn in the following circumstances:-

- Where the employee has notified the Firm, orally or in writing, that he or she is withdrawing their application;
- Where without reasonable cause the employee fails to attend a meeting or an appeal meeting more than once;
- Where the employee without reasonable cause refuses to give the Firm information that is required by the Firm to assess whether the change in hours requested should be agreed to.

If an employee withdraws a flexible working request, they will not be eligible to make another formal request for 12 months from the date of the original request.