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| Corporate Policy |
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Flexible working

Date: 07 July 2023

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Policy Owner: People Strategy and Projects Team, Corporate People

Distribution: Not confidential – internal only

#### **Purpose**

This contractual policy and procedure aims to ensure:

* there is a clear process for requesting flexible working
* that requests are handled consistently, objectively and fairly
* a positive approach where employees request flexible working to accommodate their diversity identity where possible
* the operational needs of the service, department or store are considered
* that Barnardo’s complies with the ACAS and Labour Relations Agency Codes of Practice

#### Scope

This policy applies to all employees.

#### Roles and Responsibilities

**Line Managers** are responsible for following the procedure and considering all requests fully and reasonably within the set time limits; seeking advice from the Local People Team on the policy. On receipt of a request managers should also review the ‘Flexible Working Policy – Manager’s Guidance’ available on the intranet.

**Local People Teams** are responsible for supporting Line Managers and employees on implementing this policy and procedure.

**Corporate People Team** is responsible for ensuring this policy complies with current legal obligations, updating it and other associated documents or processes, accordingly.

#### Policy and procedure

# **Eligibility**

The right to request flexible working is a statutory right available to all employees who have been employed continuously for 26 weeks at the date of the request. However Barnardo’s employees are eligible to submit a request for flexible working regardless of their length of service provided they:

* follow the request procedure; and
* have not made another request for flexible working during the previous 12 months[[1]](#footnote-1)

Job applicants should be encouraged to discuss any flexible working requirements as part of the interview process. Barnardo’s will consider these in line with the flexible working policy.

# **General principles**

This policy aims to encourage staff to consider flexible working arrangements. Barnardo’s recognises that a better work-life balance can improve employee motivation, performance and productivity. Therefore the organisation wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, further learning and other interests. Barnardo’s is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the service/department/store and the employee can be met.

**The time limits** specified within the policy should be adhered to as far as is reasonably possible.[[2]](#footnote-2) In England, Wales and Scotland the law requires that all requests, including any appeals, must be considered and decided upon within a period of three months from receipt of a request. If there is likely to be a delay to this an extension can be agreed with the employee; any extensions should be confirmed in writing.

At all stages of the process an **employee may request to be accompanied** to any formal meeting by a trade union representative or colleague. The manager may also be accompanied by a member of the Local People Team.

Where a request for flexible working is agreed, the line manager should **set review dates** to discuss how the new arrangements are working and make any adjustments necessary. If at a review point, or at the end of a trial period, the arrangement is found not to be satisfactory, a minimum of one month’s notice[[3]](#footnote-3) must be given of any withdrawal of flexible working. This should only be done in consultation with the Local People Team. Once the procedure has been exhausted the employee may not make another request for 12 months[[4]](#footnote-4).

**Informal arrangements** may also be agreed at the managers’ discretion to give general flexibility without the requirement for a formal flexible working application. For example, occasionallyworking from home or changing working pattern. All informal arrangements must still be noted in writing.

What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. The following flexible working options are examples of the type of arrangements that employees might request but Barnardo’s recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee:

• Annualised hours

• Flexitime

• Home-working

• Job-sharing

• Part-time working

• Term-time working

Flexible working will generally be agreed on a permanent basis; however there is the option of making it for a time-limited period to suit specific circumstances. The request should be clear if the employee wants to return to their old conditions after an agreed period e.g. after three months, or after the occurrence of a specific event. Employees must be aware that if their request is approved they do not have a statutory right to make another request for 12 months[[5]](#footnote-5).

# **Procedure**

The procedure for requesting flexible working is set out below and summarised in the policy flowchart*.*

# ****1. Making a request****

The employee must make the request in writing to their line manager using the ‘Flexible work request form’ (available on the intranet). Employees are encouraged to contact their line manager or Local People Team to arrange an informal discussion to talk about the options prior to completing the form, if required.

# ****2. Dealing with a request****

Within 28 days of receiving the request, the line manager should invite the employee to a meeting[[6]](#footnote-6) to discuss:

* details and reasons for the request
* impact of the request
* whether the arrangement is to be permanent or time limited,
* explore alternative working patterns should problems arise in agreeing the request.

It may also be useful to agree a trial period, e.g. 3-6 months (no longer than probation period for those requesting it during first 26 weeks), before confirming the flexible working arrangement. This will enable the manager and employee to assess whether the flexible working arrangement is meeting the employee needs and needs of the department/service.

# ****2.1 Consider the request****

Following the meeting, and using the ‘Flexible Working Policy – Manager’s Guide’ as additional support, the line manager will carefully consider the request; looking at the potential benefits, and any adverse effects, to the employee and Barnardo’s in implementing the proposed changes.

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.

In considering the request the line manager must be careful not to discriminate unlawfully against the employee.

# ****2.2 Responding to the request****

The employee should be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the meeting. The request may be granted in full, in part or refused. The manager 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 agreed the arrangements will be confirmed in a letter. The employee should contact their line manager/Local People Team within 14 days if they wish to discuss the new arrangements further, or have any concerns.

If the request is refused this will be confirmed in writing, stating one of the permitted grounds for refusal, set out below, alongside sufficient explanation.

Rejection of a request must be for one of the following business reasons as set out in the legislation:

* the 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

# ****2.3 Appeal against a refusal of a request****

The employee can appeal the decision if their request is refused or is only agreed in part[[7]](#footnote-7). The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal must be heard within 14 days. The employee should be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and line manager/Local People Team.

# ****2.4 Withdrawal of a request****

A request for flexible working will be treated as withdrawn if:

1. The employee has notified his/her line manager orally or in writing of the withdrawal.
2. the employee has, without reasonable cause, failed to attend a meeting more than once, or
3. the employee has refused to provide the line manager with the information required to assess whether the request can be agreed, without reasonable cause.

Withdrawal of the request must be confirmed in writing to the employee by the manager, unless the employee has already done so.

#### Associated guidance and documents

Flexible working letter templates

Flexible working manager guidance

Flexible working flowchart

Flexible working job suitability questionnaire

Job share policy

#### References

Employment Rights Act 1996

Employment Rights (Northern Ireland) Order 1996

Children and Families Act 2014

Equality Act 2010 (and equivalent discrimination laws in Northern Ireland)

ACAS Code of Practice: ‘Handling In a Reasonable Manner Requests to Work Flexibly’

ACAS Guide: ‘Handling Requests to work flexibly in a reasonable manner’

#### Compliance

* Local People Teams monitoring of general adherence to policy.
* Feedback from UNISON and Barnardo’s Forums.
* Audits.

#### Document History

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| --- | --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Status** | **Comment** |
| 2.0 | 30.06.14 | Policy and Advice Team | Agreed | Update following statutory changes introduced on 30.06.14 |
| 2.1 | 17.03.15 | Policy and Advice Team | Updated | Put in new format |
| 2.2 | 29.01.19 | Policy and Advice Team | Updated and approved by UNISON & CLT approval | To reflect changes permitting requests from those with less than 26 weeks service |
| 2.3 | 02.08.22 | People Strategy & Projects Team | Updated | To reflect agreed review date |
| 2.4 | 07.07.23 | People Strategy & Projects Team | Agreed | Policy updated to reflect revised review date in accordance with planned schedule agreed by CLT. |

1. Unless additional requests relate to a statutory entitlement such as the Equality Act 2010 right to request reasonable adjustments [↑](#footnote-ref-1)
2. In Northern Ireland the timescales in this policy remain set out in law. If it is necessary to depart from these, the time limits may be extended by the agreement of both parties, in writing, in certain circumstances. Failure to do so could be in contravention of employee employment rights. [↑](#footnote-ref-2)
3. For those requests agreed during the probationary period the one week probationary notice period will apply [↑](#footnote-ref-3)
4. Unless additional requests relate to a statutory entitlement such as the Equality Act 2010 right to request reasonable adjustments [↑](#footnote-ref-4)
5. Unless additional requests relate to a statutory entitlement such as the Equality Act 2010 (and equivalent discrimination laws in Northern Ireland) right to request reasonable adjustments. [↑](#footnote-ref-5)
6. Where a request can, without further discussion, be approved as stated in the employee's written application a meeting to discuss the request may not be necessary. [↑](#footnote-ref-6)
7. Please note that in Northern Ireland employees have the right in law to appeal. [↑](#footnote-ref-7)