**Flexible Working Policy**

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| **Risk Owner** | Director of People and Culture |
| **Supported By** | Employee Relations and Policy Manager |
| **Date Approved** | 6 April 2024 |
| **Date for review** | 5 April 2027 |
| **Distribution** | Internal - non confidential |

1. Purpose

This 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 possible, when colleagues request flexible working to accommodate their diversity identity, caring responsibilities and wellbeing, taking into consideration operational needs of the service, department or store.
* that Barnardo’s complies with the ACAS and Labour Relations Agency Codes of Practice.

1. Policy

# 2.1 Eligibility

The right to request flexible working is available to all colleagues as a day one right. Colleagues are eligible to submit a request for flexible working provided they:

* follow the request procedure; and
* have not already made 2 requests, or 1 request in line with the law for Northern Ireland, for flexible working during the previous 12 months, unless the request relates to reasonable adjustments to support a disability or where it is relates caring responsibilities.

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.

# 2.2 General principles

Barnardo’s recognises that a better work-life balance can improve colleague motivation, performance and productivity. Therefore, the charity wants to support colleagues 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 colleague can be met.

The time limits specified within the policy should be adhered to as far as is reasonably possible.[[1]](#footnote-1) In England, Wales and Scotland the law requires that all requests, including any appeals, must be considered and decided upon within a period of **two months** from receipt of a request. If there is likely to be a delay to this an extension can be agreed with the colleague; any extensions should be confirmed in writing.

At all stages of the process a colleague may request to be accompanied to any meeting by a trade union representative, a colleague, or an official employed by a trade union. The manager may also be accompanied by a member of the People Team. (See ‘[Accompaniment](https://inside.barnardos.org.uk/sites/default/files/2023-09/Accompaniment%20Guidance%20July%202023%20.pdf)’ information sheet on Inside.Barnardo’s for further information).

Where a request for flexible working is agreed, the line manager, if deemed appropriate, 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[[2]](#footnote-2) must be given of any withdrawal of flexible working. This should only be done in consultation with the People Team.

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.

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 colleague wants to return to their old conditions after an agreed period e.g. after three months, or after the occurrence of a specific event.

Following a decision about a request for flexible working, colleagues have a statutory right to make a second flexible working request within a 12 month period (1 request per 12 months in Northern Ireland in line with law).

1. **Scope**

This policy applies to colleagues directly employed by the charity. It does not apply to colleagues engaged under an As & When Agreement.

1. **Definitions and Key Concepts**

Flexible working - is any type of working arrangement that gives some degree of flexibility on how long, where and when a colleague works. The following flexible working options are examples of the type of arrangements that colleagues might request.

Barnardo’s recognises that there may be alternatives or a combination of options which are suitable to both the charity and the colleague:

* Annualised hours
* Flexitime
* Hybrid working
* Job-sharing
* Part-time working
* Term-time working

1. **Roles and Responsibilities**

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| Roles | Responsibilities |
| Risk Owner | Ultimately accountable for ensuring the risk is managed appropriately and responsibilities include keeping this policy remains fit for purpose, ensuring training is delivered, risk reporting is undertaken and the risk register is kept current. |
| Colleagues | Are responsible for reading the policy, completing the flexible working request form and complying with the notification timescales. |
| Line Managers | Are responsible for following the procedure and considering all requests fully and reasonably within the set time limits; seeking advice from the People Team on the policy. On receipt of a request managers should also review the [Flexible Working Policy – Manager’s Guidance](https://inside.barnardos.org.uk/people-and-culture/taking-time/flexible-working-policy) available on Inside.Barnardo’s. |
| People Team | Are responsible for supporting Line Managers and colleagues on implementing this policy and procedure. |
| People Strategy & Projects Team | Are responsible for ensuring this policy complies with current legal obligations, updating it and other associated documents or processes, accordingly. |

1. **Procedures**

The procedure for requesting flexible working is set out below and summarised in the [policy flowchart](https://inside.barnardos.org.uk/people-and-culture/taking-time/flexible-working-policy)*.*

# ****6.1 Making a request****

The colleague must make the request in writing to their line manager using the [Flexible work request form](https://inside.barnardos.org.uk/people-and-culture/taking-time/flexible-working-policy) (available on Inside.Barnardo’s). Colleagues are encouraged to contact their line manager or People Team to arrange an informal discussion to talk about the options prior to completing the form, if required.

# ****6.2. Dealing with a request****

Where a request can be agreed without further discussion, a meeting to discuss the request may not be necessary. Agreement to the request will be confirmed in writing, within 28 days, along with the date of the new working pattern/hours   
  
If a meeting is required, the line manager should invite the colleague to a meeting. For colleagues in Northern Ireland, this meeting must be held **within 28 days** of receiving the request.

**6.3 During the meeting**

The line manager must discuss with the colleague:

* details and reasons for the request
* whether the arrangement is to be permanent (in line with the law in Northern Ireland) or time limited
* explore and consult on alternative options should problems arise in agreeing the request.

# ****6.4 Consider the request****

Following the meeting, and using the ‘[Flexible Working Policy – Manager’s Guide’](https://inside.barnardos.org.uk/people-and-culture/taking-time/flexible-working-policy) as additional support, the line manager will carefully consider the request; looking at the potential benefits, and any adverse effects, to the colleague and Barnardo’s in implementing the proposed changes.

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 colleague to assess whether the flexible working arrangement is meeting the colleagues needs and needs of the department/service.

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 colleague 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 colleague.

# ****6.5 Responding to the request****

The colleague should be informed in writing of the decision as soon as possible. For colleagues in Northern Ireland this should be within **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 (not applicable in Northern Ireland), or the colleague 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.

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

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

Colleagues have the right to appeal if their request is refused or is only agreed in part.

* The colleague may lodge an appeal in writing within 14 days of being notified of a decision on their application, stating the grounds on which they are appealing;
* The appeal must be heard within a reasonable timeframe, within **14 days** for Northern Ireland. Colleagues have the right to be accompanied by a trade union representative, a colleague, or an official employed by a trade union (see ‘[Accompaniment](https://inside.barnardos.org.uk/sites/default/files/2023-09/Accompaniment%20Guidance%20July%202023%20.pdf)’ information sheet on Inside.Barnardo’s for further information).
* The colleague should be informed of the outcome to their appeal in writing within a reasonable timeframe of the appeal meeting, within**14 days** for Northern Ireland;
* The timescales stated may be extended with the agreement of both the colleague and line manager/People Team and the new timescale confirmed in writing.

# ****6.7 Withdrawal of a request****

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

1. the colleague has notified their line manager orally or in writing of the withdrawal.
2. the colleague has, without reasonable cause, failed to attend a meeting more than once, or
3. despite a request for missing information, the colleague has unreasonably refused to provide the line manager with the information required to assess whether the request can be agreed.

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

1. **Associated Legislation, Guidance, References and Documents**

**Associated Legislation:**

* Employment Relations (Flexible Working) Act 2023
* 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’
* Labour Relations Agency - ‘Flexible Working: The right to request and duty to consider A guide for employers and employees’

**Guidance, References and Documents:**

* Flexible working letter templates
* Flexible working manager guidance
* Flexible working flowchart
* Job share policy

1. **Compliance and Oversight**

In addition to the compliance and oversight arrangements set out under Roles

and Responsibilities, the following applies:

* The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment.
* The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans.
* Feedback from UNISON and Barnardo’s Networks

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| 1. **Version History** | | | | |
| **Version** | **Date** | **Author** | **Comments** | **Approval** |
| 2.0 | 30.06.14 | Policy and Advice Team | Update following statutory changes introduced on 30.06.14 | Agreed |
| 2.1 | 17.03.15 | Policy and Advice Team | Put in new format |  |
| 2.2 | 29.01.19 | Policy and Advice Team | To reflect changes permitting requests from those with less than 26 weeks service | Approved by UNISON & CLT approval |
| 2.3 | 02.08.22 | People Strategy & Projects Team | To reflect agreed review date |  |
| 2.4 | 07.07.23 | People Strategy & Projects Team | Policy updated to reflect revised review date in accordance with planned schedule agreed by CLT | Agreed |

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| 2.5 | 06.04.24 | People Strategy & Projects Team | Update to include new brand and statutory changes introduced 06.04.24 |  |

1. 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. [↑](#footnote-ref-1)
2. For requests agreed during the probationary period, the one week probationary notice period will apply [↑](#footnote-ref-2)