



FLEXIBLE WORKING POLICY

(reviewed September 2023)

Introduction

The College recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the College wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, further learning and other interests. The College is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the College and the employee can be met.

It is the College's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact Human Resources to arrange an informal discussion to talk about the options.

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 considered to be the typical arrangements that employees will request. However, the College recognises that there may be alternatives or a combination of options which are suitable to both the College and the employee:

- Annualised hours
- Compressed hours
- Flexitime
- Home-working
- Job-sharing
- Part-time working
- Term-time working
- Phased retirement

Types of flexible working

- **Annualised hours** - an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates).

- **Compressed hours** - an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days.
- **Flexitime** - allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of a month. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee cannot carry over an excess or a deficit from one accounting period to another. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave

(flexi-leave), subject to a maximum of five full days (pro-rata for part-time employees) in any accounting period. Additional leave should be requested and agreed with the employee's line manager in the same way as annual leave

- **Home-working** - an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The organisation can consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement.
- **Job-sharing** - an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the College. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time.
- **Part-time working** - covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday.
- **Term-time working** - an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments.
- **Phased retirement** - an employee has reached the default retirement age but wishes to continue working, whilst reducing their hours of work.

The needs of the College

The College is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the College will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the effect of the proposed arrangement on students
- timetabling
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability
- health and safety issues

Eligibility

Any employee has a statutory right to request flexible working.

Submitting a flexible working request

An eligible employee is entitled to submit two flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments.)

All requests must be made by email or letter. A staff member should submit their request to the member of the Senior Leadership Team who has leadership responsibility for their area. Any request made must include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect
- whether a previous application for flexible working has been made
- the dates of any previous applications

Whilst not essential, it would be helpful when considering the request that the following information is included:

- what effect the employee thinks the requested change would have on the College
- how, in their view, any such effect could be dealt with

If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an application does not contain all of the required information, a member of Human Resources will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Meetings regarding flexible working

Upon receiving a written request for flexible working the relevant Senior Leader will seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements
- how it could be of benefit to both the employee and College

A member of the Human Resources team will also attend.

If a meeting is arranged, it will be held within 28 days of the College receiving the request. This time limit may be extended with the agreement of both the employee and Senior Leader.

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

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

Where a request can, without discussion, be approved, a meeting to discuss the request may not be necessary. The employee will be informed of the College's agreement to the request by a

confirmation letter as outlined in the section 'Responding to a flexible working request' within two months of the organisation receiving the request. This time limit may be extended with the agreement of all parties.

Responding to a flexible working request

The Senior Leader will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse effects, to the employee and to the College 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.

By law, a request can only be turned down if:

- it will cost the College too much
- the College cannot reorganise the work among other staff
- the College cannot recruit more staff
- there will be a negative effect on quality
- there will be a negative effect on the College's ability to meet customer/student demand
- there will be a negative effect on performance
- there's not enough work for an employee to do when they've requested to work
- there are planned changes to the organisation, for example, an intention to reorganise or change a structure or process, and the request will not fit with these plans

The employee will be informed in writing of the College's decision as soon as is reasonably practicable, but no later than two months from the date of the original request.

The request may be granted in full, in part or refused. The College 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 employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact the relevant Senior Leader within 14 days if they wish to discuss the new arrangements further, or have any concerns.

Right to appeal decision

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal with the Principal 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 will be heard within 14 days of receipt of the appeal letter by either the Principal or Deputy Principal.

The employee will then 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 Principal or Deputy Principal.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the College, a trial period may be agreed. If a trial period is arranged,

the College will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

Varying an employee's contract

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A variation to contract letter will be sent to the employee within 28 days of the change to the employee's working pattern being agreed.

If the employee has any questions or concerns about the new contract of employment, they should contact a member of the Human Resources team to discuss the matter further.

Where a trial period has been arranged, the College will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the College may reduce or lengthen the trial period where necessary with the agreement of the employee). The College will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

Complaints and further information

The College is strongly opposed to any form of victimisation of individuals who work, or request to work, under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible working application process, they should raise their concerns informally with Human Resources.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the College's grievance procedure.

For further information, an employee should refer to the documents listed below and/or contact Human Resources.

This policy and procedure should be read in conjunction with the following:

- Absence Policy
- Diversity and Inclusion Policy
- Grievance Policy

Author:	Jessica Norcliffe
Date drafted:	September 2023
Date of next review:	September 2026