

Flexible Working Policy

Effective From: 02 September 2016

Review Date: 01 September 2019

**NATIONAL
COLLEGE
CREATIVE
INDUSTRIES**

1 Introduction

- 1.1 Under provisions set out in the Employment Rights Act 1996 and regulations made under it (as amended in 2014), all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly, provided they have worked for their employer for 26 weeks.
- 1.2 In considering requests, the College will deal with requests in a reasonable manner and in accordance with Acas Code of Practice on handling flexible working requests.

2 Timescales

- 2.1 On receiving a request, your manager or other relevant manager will arrange to discuss it with you as soon as possible and if there is likely to be a delay, inform you. The process will be completed within three months of first receiving a request, including any appeal. Where this is not possible, we will seek your agreement to extend time limits.
- 2.2 You are advised to make your flexible working request well in advance of the day you would like it to start.

3 Forms of Flexible Working

- 3.1 Flexible working can incorporate a number of changes to working arrangements, including:
 - 3.1.1 reduction or variation of working hours;
 - 3.1.2 reduction of the number of days worked each week; and/or
 - 3.1.3 working from a different location (for example, from home).
- 3.2 Such changes may involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time.

4 Eligibility

- 4.1 To be eligible to make a request for flexible working, an employee must:
 - Be an employee
 - Have 26 weeks' continuous service at the date of application
 - Not be an agency worker
 - Not have made another application in the last twelve months

5 How to apply

- 5.1 All requests for flexible working must be made in writing and dated. Your application should be submitted to your Line Manager and, in order to help your Line Manager consider your request, should set out:
 - 5.1.1 The date of the application, the change to the working conditions sought and when you would like the change to come into effect;
 - 5.1.2 What effect you think that the requested change would have on the College and your colleagues and how, in your opinion, any such effect might be dealt with; and
 - 5.1.3 That this is a statutory request and if you have made a previous application for flexible working, the date of that application.
- 5.2 You should also state if you are making your request in relation to the Equality Act 2010, specifically as a reasonable adjustment for a disability.

6 Holding a meeting

- 6.1 Your line manager will hold a meeting with you to discuss your request. The meeting will take place in a location where it cannot be overheard by other employees. The discussion may not be face to face – for example, it could be by phone or by Skype.
- 6.2 The College will allow you to be accompanied by a work colleague or trade union representative at the meeting, if you wish.
- 6.3 A meeting is not always needed where the College is happy to accept your request.
- 6.4 However, in many cases, it may be helpful to discuss the request anyway, to make sure that the proposal put forward is the best solution both for you and for the College.

7 Considering a request

- 7.1 The College will consider your request carefully, looking at the benefits of the requested changes in working conditions for you and the business and weighing these against any adverse business impact of implementing the changes.
- 7.2 The College is under no statutory obligation to grant a request for flexible working, if it cannot be accommodated on certain specified grounds (see below).
- 7.3 Having considered the changes you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, your manager will let you know his/her decision to either:
 - 7.3.1 Accept the request and establish a start date and any other action.
 - 7.3.2 Confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly.

- 7.3.3 Reject the request, setting out clear business reasons, how these apply to the application and any appeal process.
- 7.4 The decision will be communicated to you in writing and any changes to your terms and conditions will be set out.
- 7.5 If your manager has concerns as to how the arrangement will work, he or she may suggest a trial period with the right to require you to revert to your previous working at the end of trial period. If there is to be a trial period, the duration, review points and measures used to identify success or failure will be clearly documented.

8 Rejecting a request

- 8.1 There will be circumstances where, due to business and operational requirements, the College is unable to agree to a request. In these circumstances, your Line Manager will write to you:
 - 8.1.1 giving the business reason(s) for turning down your application;
 - 8.1.2 explaining why the business reasons apply in your case; and
 - 8.1.3 setting out the appeal procedure.
- 8.2 The eight business reasons for which the College may reject your request are:
 - 8.2.1 the burden of additional costs is not acceptable to the College;
 - 8.2.2 detrimental effect on ability to meet customer demand;
 - 8.2.3 inability to reorganize work among existing staff;
 - 8.2.4 inability to recruit additional staff;
 - 8.2.5 we consider that the change will have a detrimental impact on quality;
 - 8.2.6 detrimental impact on performance;
 - 8.2.7 insufficiency of work during the periods that you propose to work; and
 - 8.2.8 planned changes (e.g. where we intend to reorganize or make changes and consider that flexible working changes will not fit with these plans).

9 Making another request

- 9.1 You should be aware that whether or not your request is accepted or rejected, you will not be able to make another formal request under this policy, until 12 months after the date of your original application.

10 Appeal Process

- 10.1 You have the right of appeal against any decision; this must be made in writing within 5 working days of receipt of your outcome letter. You can bring a work place colleague or trade union representative with you to the appeal meeting, if you wish. An appeal meeting will be set within 5 working days of the date of your appeal letter. The decision at this point will be final.

11 Right to revert

- 11.1 The college may reserve the right to ask you to revert to working practices at the end of an unsatisfactory trial period. If this is the case, we will state this in writing to you. There may also be other reasons for including a right to revert: sometimes flexible working is simply a temporary solution to a problem or we may wish to retain a general right to bring the arrangements to an end at any future date, even long after the end of any trial period.

12 Handling more than one request

- 12.1 There may be occasions when more than one request is received from employees. It may be possible for the College to grant all of the requests. However, before doing so, the College will consider carefully the impact this would have on the business. Requests will be considered in the order they are received and having considered and approved a first request, we will consider how the business context has changed and take this into account when considering a second request. The College is not required by law to make value judgements about the most deserving request. Each request will be considered on its merits looking at the business case and the impact of refusing a request.
- 12.2 The exception is that if an employee has a disability, the College will consider whether granting the request would be a reasonable adjustment to enable the employee to overcome any barriers.

13 Failure to attend

- 13.1 If the College arranges a meeting to discuss the application, including any appeal, and you fail to attend both this and a rearranged meeting without any good reason, the College will consider this request withdrawn and inform you accordingly.