

WPE02 - Flexible Working Policy and Procedure

Category: Human Resources Sub-category: Equality & Disability

Policy Review Sheet

Review Date: 20/02/18 **Policy Last Amended:** 13/04/17

Next planned review in 12 months, or sooner as required.

Note: The full policy change history is available in your online management system.

Business Impact:	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

 Reason for this review:	Scheduled review
 Were changes made?	Yes
 Summary:	This policy has been updated into the new QCS policy format. It sets out a clear and concise outline of the right to request flexible working along with the process that should be followed.
 Relevant Legislation:	<ul style="list-style-type: none"> Flexible Working Regulations 2014 Employment Rights Act 1996
 Underpinning Knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> Government, (2017), <i>Flexible Working</i>. [Online] Available from: https://www.gov.uk/flexible-working/overview [Accessed: 22/03/2017] ACAS, (2017), <i>The Right to Request Flexible Working</i>. [Online] Available from: http://www.acas.org.uk/index.aspx?articleid=1616 [Accessed: 22/03/2017]
 Suggested action:	<ul style="list-style-type: none"> Notify all staff of changes to policy Confirm relevant staff understand the content of the policy Encourage sharing the policy through the use of the QCS App

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1. Purpose

1.1 To give eligible employees the opportunity to request a change in their pattern of working.

1.2 To meet the legal requirements of the regulated activities that Pegasus Homecare Ltd is registered to provide:

- Flexible Working Regulations 2014
- Employment Rights Act 1996

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

3. Objectives

3.1 To ensure that employees understand the eligibility criteria for flexible working requests and the procedure for dealing with a flexible working request.

3.2 To ensure that all flexible working requests are dealt with reasonably and within appropriate timescales.

3.3 To ensure that employees understand that there is a right to request flexible working but there is not necessarily a right to have that request granted.

3.4 To ensure that employees understand that any change following a flexible working request will be a permanent change to their terms and conditions.

4. Policy

4.1 This policy provides employees with a general outline of the statutory provisions relating to flexible working. These statutory provisions are complex and, in the event of any discrepancy, will override the terms of this policy.

4.2 This policy applies only to employees. It does not apply to workers, agency workers, casual works or contractors.

4.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

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5. Procedure

5.1 Eligibility Criteria

In order for an individual to be eligible to make a flexible working request they must satisfy all of the following:

- Be an employee
- Have worked for Pegasus Homecare Ltd for at least 26 weeks at the date the request is made, and
- Have not made a flexible working request in the previous 12 months, even if that request was withdrawn

5.2 Making a Flexible Working Request

An eligible employee who wishes to make a flexible working request must:

- Make the request in writing
- State that it is a flexible working request
- Set out the details of the proposed working arrangements, including a proposed start date
- Identify the impact the change would have on the business and how that might be dealt with, and
- Confirm whether or not a previous request has been made in the last 12 months

The request should be made to the employee's immediate line manager.

Employees are reminded that the more detailed and clear that they make their proposal, the more quickly Pegasus Homecare Ltd will be able to deal with it.

5.3 Flexible Working Process

Once an eligible employee has submitted a valid flexible working request, Pegasus Homecare Ltd will normally arrange a meeting at a convenient time and place to discuss this request. The employee is entitled to be accompanied to this meeting by a work colleague or trade union representative. Following this meeting, Pegasus Homecare Ltd will confirm its decision in writing as soon as is reasonably practicable.

Should Pegasus Homecare Ltd feel that it is able to grant the employee's request in full without the need for a meeting, then it will write to the employee confirming this decision.

5.4 Flexible Working Request Decision

When deciding whether to grant the employee's request, Pegasus Homecare Ltd will look at the following factors:

- The burden of additional costs
- Any detrimental effect on the organisation's ability to meet customer/Service User demand
- Whether work can be reorganised among existing staff
- Whether additional staff can be recruited
- Any detrimental impact on quality
- Any detrimental impact on performance
- Whether there is sufficient work during the period you propose to work
- Any planned structural changes

This list is intended as a guide and is not exhaustive.

If Pegasus Homecare Ltd is able to grant the request, it will be confirmed to the employee that their employment contract will be changed to incorporate the new working pattern, will set out when this will start and will outline the impact this will have on the employee (e.g. in relation to salary and holiday entitlement). If the employee's working pattern is changed, the change will be permanent. The employee will not be entitled to their former working arrangements unless agreed to by Pegasus Homecare Ltd.

5.5 Refusal of a Flexible Working Request

Pegasus Homecare Ltd is entitled to refuse a flexible working request if it is unable to grant it. The organisation will specify the reasons why this is the case in the particular circumstances.

If an employee has had their request rejected, they are entitled to appeal against this decision. The employee must set out their grounds for appeal in writing within 14 days from the date of the decision to refuse the flexible

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working request. An appeal meeting will be arranged and the employee is entitled to be accompanied to this meeting by a colleague or trade union representative. At the appeal meeting Pegasus Homecare Ltd will discuss the reasons for the rejection and the employee's grounds for appeal. Following the appeal meeting, the employee will be informed of the appeal decision as soon as is reasonably practicable. The decision following the appeal is final and there is no further right of appeal.

5.6 Pegasus Homecare Ltd anticipates that the process from receipt of the initial flexible working request to the decision on any appeal shall take no more than three months unless an extension is agreed between the parties. Pegasus Homecare Ltd may at its discretion choose not to adopt the full flexible working procedure but shall in any case notify the employee of the decision within three months unless an extension is agreed.



6. Definitions

6.1 Flexible Working Request

- A formal request from an employee to:
 - Vary or reduce an employee's hours of work
 - To vary or reduce an employee's days of work
 - To work from a different location
 - Or, a combination of any of the above

6.2 Employee

- An individual who has entered into or works (or worked) under the terms of a contract of employment, whether such contract is expressly agreed (in writing or orally) or is implied by the nature of the relationship



Key Facts - Professionals

Professionals providing this service should be aware of the following:

- The right to make a flexible working request is a right to request, not a right to have that request granted
- Pegasus Homecare Ltd is entitled to reject a flexible working request once it has given the request reasonable consideration and assessed the impact on the business if the request is granted
- Only employees are entitled to apply for flexible working and only those employees who meet the eligibility criteria are entitled to have their requests assessed
- Employees who have submitted a flexible working request are entitled to be accompanied by a trade union representative or a work colleague at any meetings and are entitled to appeal against any decision made by Pegasus Homecare Ltd



Further Reading

As well as the information in the 'Underpinning Knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Flexible Working - What is it? - Citizens Advice Bureau - <https://www.citizensadvice.org.uk/work/rights-at-work/flexible-working/flexible-working-what-is-it/>

Fathers afraid to ask for Flexible Working - BBC News 22/3/17 - <http://www.bbc.co.uk/news/uk-politics-39343754>

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Outstanding Practice

To be outstanding in this policy area you could provide evidence that:

- Flexible working requests are dealt with well in advance of the three month deadline
- Reasons for rejection of flexible working requests are clear and full
- Pegasus Homecare Ltd can demonstrate that it has taken all reasonable steps to attempt to accommodate the flexible working request and has maintained a dialogue with the employee throughout the process
- The wide understanding of the policy is enabled by proactive use of the QCS App