

# Policy and Procedure Flexible Working Policy and Procedure

## 1. Introduction

- a) This policy defines WINNS Services Flexible Working Policy to ensure it meets requirements.
- b) The Operations Director is responsible for implementation and management of the Flexible Working Policy.

Rev.	Date	Nature of Changes	Approved By
1	13 <sup>th</sup> September 2021	Original issue.	C Stebbing

## 2. Introduction

- a) This policy sets out WINNS services approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.
- b) WINNS recognises that flexible working can provide benefits to both members of staff and WINNS, and aims to support staff where possible to manage the balance between work and home life.

## 3. Scope

- a) All members of staff have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly, subject to the eligibility conditions set out below.
- b) Requests for flexible working may be for any reason and are not restricted to staff with family or care commitments. For example, employees may seek flexible working in order to undertake training, reduce their working hours on the run up to retirement or to take up a hobby or interest.
- c) This Policy and associated policies and procedures do not form part of any employee's contract of employment and may be updated at any time.

## 4. Roles and Responsibilities

- a) It is the responsibility of the line manager to consider requests in accordance with this policy and any associated guidance documents and respond to the member of staff within the prescribed timescales outlined in the principles below.
- b) It is the responsibility of the member of staff to ensure that they follow the process outlined in this policy and provide as much information as possible to ensure that their request can be fully considered.

## 5. Roles and Responsibilities

- a) In order to make a request under this policy a member of staff must:
  - Be employed by WINNS Services
  - Not normally have made another statutory request under this policy in the preceding 12 month period. However, in the event that a member of staff has a change to their personal circumstances, then managers can make an exception and allow for more than one request during this time.

## 6. Principles

- a) A member of staff does not have a right to work flexibly but has a right to request to do so. WINNS will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the member of staff in order to reach a mutually beneficial arrangement.
- b) All requests will be considered as quickly as possible, with a decision reached and communicated within one calendar month of the manager receiving the request, unless there are exceptional circumstances for why this is not possible, in which case the member of staff will be kept updated by their manager.
- c) Any subsequent appeal made by a member of staff against the decision must be concluded within a maximum period of three calendar months. This timescale may be extended, if necessary, with the agreement of both parties, for example, to allow for a trial period if there are some concerns as to whether any new arrangements will work.

- d) Once approved, changes to working patterns will normally amount to a permanent change to the staff member's contract of employment, unless otherwise agreed.
- e) Staff have the right to be accompanied by a trade union representative or work colleague at all formal stages of this process.
- f) When faced with competing flexible working requests, managers will consider each case based on its own merits and in the order in which they were received.

## 7. Definition

- a) The term "flexible working" describes any working arrangements where the number of hours worked or the time or place that work is undertaken vary from standard practice. This includes but is not limited to the following:
  - a change to the number of hours of work
  - a change to the times, or days of work
  - a reduction in the working week
  - a shorter working year
  - a job share arrangement. Job-sharing is quite different from part time work where the employee is individually responsible for the work. Job-sharers share all the responsibilities of the post which they hold jointly. Pay, leave, and other benefits are split pro rata to the hours each work. Normally each job sharer should work exactly half time.
  - work patterns such as, annualised hours, compressed hours, flexitime, shift working, staggered hours and term time working.

## 8. Temporary Working Arrangements

- a) It is recognised that occasionally, staff may need to request a temporary change to their working arrangements for a short period, for example to enable them to deal with a temporary or urgent situation. As such needs may arise quickly, in these circumstances staff should approach their manager informally in the first instance, outlining their request and the likely duration. Managers should endeavour to respond to these requests as quickly as possible, applying the principles of this policy.
- b) Temporary arrangements should be for a period no longer than three months. If the temporary arrangement is required longer term, then consideration needs to be given as to whether the change to working arrangements should be formalised and made a permanent contractual change, or whether a short

extension to the arrangement would be sufficient and could be accommodated e.g., one month. Requests to repeatedly extend a temporary arrangement will not normally be agreed.

- c) At the end of any temporary changes, the member of staff will revert to their normal working pattern.
- d) Managers are required to inform Admin of any temporary agreed changes to ensure that any necessary changes to salary are made. This can be done by completing and submitting a FW1.

## 9. Flexible Application Process For Flexible Working

- a) Before submitting a request to work flexibly, staff are encouraged to discuss their request informally with their manager in the first instance.
- b) Applications should be put in writing to the line manager using the FW1 Form.
- c) Upon receipt of a request, the manager will consider it carefully, considering the potential benefits and weighing them up against any adverse impact of the proposed changes. Decisions will be based on whether or not a request can be granted on operational grounds. WINN's ability to provide an effective service will be paramount.
  - If the manager can approve the request straight away, there is no need to have a meeting unless the manager chooses to do so. The manager will notify HR of any changes, and this will be confirmed in writing to the member of staff.
  - Where the manager requires further information or discussion, they should arrange to meet with the member of staff at a mutually convenient time to discuss the request in more detail. This will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be any challenges in accommodating the desired work pattern outlined in the application. The manager may be accompanied by a member of Human Resources if they wish.
- d) Should the member of staff be unable to attend the meeting, a further meeting will be arranged. However, if they fail to attend again without good reason then the application will be considered to be withdrawn and the employee will be informed of this decision in writing.
- e) If there is likely to be any delay in considering the request, the manager will keep the employee informed.

## 10. Trial Periods

- a) Where it is not clear if a flexible working arrangement will be effective, or if both parties feel it would be beneficial, a trial period of new working arrangements may be offered to enable a full assessment of the impact of the request on the member of staff, department, and colleagues.
- b) The trial period will normally last between one and three months. The length of the trial period will be agreed in advance.
- c) During the trial period, the changes to the staff member's terms and conditions of employment will be regarded as temporary.
- d) At the end of the trial period the member of staff and manager should meet to discuss and review it and consider the continuance of the arrangements. Outcomes of this meeting may include:
  - the new working arrangements will be approved and become permanent and contractual
  - the arrangements are not approved, and the member of staff will be required to revert to their previous working arrangements
  - the manager may propose an alternative working arrangement which will ensure that the departmental operational objectives are met whilst still providing flexibility.
- e) The outcome of the trial period will be confirmed in writing.

## 11. The Decision

- a) Once a decision is reached the manager will inform the member of staff of the outcome in writing, which may be to:
  - agree to a new work pattern and a start date
  - agree a trial period of proposed working arrangements
  - confirm a compromise agreed with the member of staff
  - provide a clear business reason as to why the application cannot be accepted. This reason must be one of those listed below.

## 12. Grounds for Refusing a Request

- b) The manager should carefully consider the advantages, employee wellbeing, possible costs and potential logistical implications of any request. Advice is available from your HR.
- c) Not all working patterns or flexible working options will be suitable for all departments. It may also be difficult to accommodate flexible working requests from several staff members in the same area. Each case will be considered on its own merits in the order in which it was received.
- d) An application may only be rejected for one of the following business reasons:
  - the burden of any additional costs is unacceptable
  - an inability to reorganise work among existing staff
  - an inability to recruit additional staff
  - WINNS considers the change will have a detrimental impact on quality
  - WINNS considers the change would have a detrimental effect on its ability to meet customer service demand
  - WINNS considers the change would have a detrimental impact on performance of the individual, the team or WINNS
  - there is insufficient work during the periods that the employee proposes to work
  - where the requested changes will not fit in with planned structural changes

### 13. The Appeals Procedure

- a) The member of staff may appeal the decision within 10 working days of the original decision being notified to them. The grounds for the appeal should be put in writing to the appropriate department Director who will appoint a suitable manager/Director to hear the appeal, which will normally be a manager more senior to the person who made the initial decision
- b) A representative from HR (not previously involved with the application) will provide guidance and support to the appeal manager/director where possible. The appeal manager/director may, as they feel necessary, request further information and/or evidence, and may wish to meet with the employee and/or the manager. The appeal manager/director will make a final decision on whether the appeal should be allowed or rejected.
- c) The appeal manager/director will notify the employee of the outcome of the appeal in writing within 10 working days of the appeal decision. Their decision will be final.

## 14. Terms and Conditions

- a) Where a flexible working request is approved, which results in a reduction in working hours, salary and benefits will be pro-rated to reflect the new working hours.
- b) Other benefits, for example holiday, will also be pro-rated.
- c) WINNS's ability to offer and continue a job share arrangement depends on finding a suitable job share partner through the normal recruitment processes. If one partner in a job share arrangement leaves the WINNS will offer the post as a whole time post to the remaining job sharer, or seek to recruit a replacement. If this is not possible and the requirement is for a whole time post, the WINNS will make all reasonable efforts to redeploy the remaining job share partner.

Flexible Working Application Form (part 1)  
To be completed by Staff Member

FW1

Employee Name:	
Job Title	
Work Location	
I have made a previous flexible working request in the last 12 months	YES / NO
Describe your current working pattern (days/hours/times worked):	
Describe the working pattern you would like to work in future (days/hours/times worked):	
I would like this working pattern to commence from:	
What impact do you think the proposed change would have on WINNS? How do you feel this impact might be dealt with?	
Is there any additional information you wish to provide to support your application?	
Signature:	
Date:	



