

Flexible Working Policy

VERSION: JULY 2020

1. THE POLICY

- 1.1 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure.
- 1.2 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 The Diocese is not obliged to agree to request for flexible working, but does have a legal duty to consider such requests seriously. The Diocese is encouraged to facilitate requests unless they cannot be accommodated for organisational or operational reasons.

2. FORMS OF FLEXIBLE WORKING

- 2.1 Flexible working can incorporate a number of possible changes to working arrangements:
 - a) reduction or variation of working hours
 - b) reduction or variation of the days worked; and/or
 - c) working from a different location (for example, from home).
- 2.2 Such changes may also involve 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; and/or working flexi-time.

3. ELIGIBILITY

- 3.1 Any employee may make an application for flexible working, providing he or she meets the following eligibility requirements:
 - a) the employee must have 26 weeks' continuous service with the Diocese at the date the request is made; and
 - b) the employee must not have made a request to work flexibly in the previous 12 months.

4. APPLICATION PROCEDURE

- 4.1 Any employee interested in flexible working is advised to speak informally with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on employees and the management of work, before submitting a formal or informal request.
- 4.2 The employee will need to submit a written application for a flexible working request to be considered under the formal procedure.

The application should be submitted to your line manager in good time and ideally at least two months before the employee would like the changes to take effect. It should:

- a) state that it is a flexible working request;
 - b) explain the reasons for the request, especially if the employee thinks the Equal Opportunities & Diversity Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
 - c) provide as much information as possible about the employee's current and desired working pattern, including working days, hours and start and finish times, and give the date from which the employee wants the changes to take effect;
 - d) identify the effect the changes to the employee's working pattern will have on the work that he or she does, the work of their employees and on workload. If the employee has any suggestions about dealing with any potentially negative effects, these should also be included in the application;
 - e) provide information to confirm that the employee meets the eligibility criteria set out above, including the dates of any previous formal requests for flexible working;
 - f) state whether any previous flexible working request has been made.
- 4.3 In most cases, the Diocese will need to have a meeting with the employee before making a decision. In some cases, the Diocese may be able to approve the request without a formal meeting, although it will usually be helpful to the decision-maker to discuss the request with the employee to ensure it is the best solution.

If the Diocese is able to agree to a proposal without the need for a meeting, the HR department at Bishop's House, Hove, will write to the employee, confirming the decision and explaining the changes that will be made to his or her contract of employment.

5. FORMAL REQUEST: MEETING

- 5.1 Where necessary, the employee's line manager will arrange a meeting with the employee. The meeting may also be attended by a member of the HR Department. The employee may bring a colleague to the meeting as a companion, if desired. The companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on his or her behalf.
- 5.2 In most cases, the meeting will be held at the employee's usual place of work. The Diocese will try to ensure that the meeting is held at a time and place that is convenient to everyone.

The meeting will be used to discuss the working arrangements requested. The employee will be able to explain how the arrangements will accommodate his or her needs, and will also be able to discuss what impact the proposed working arrangements will have on their work and that of their employees. If the Diocese cannot accommodate the arrangements requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

The employee's line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the employee's team.

6. FORMAL REQUEST: DECISION

6.1 The Diocese will notify the employee of the decision in writing as soon as possible.

If the employee's request is accepted, or where the Diocese proposes an alternative to the arrangements, the employee's line manager will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to the employee's contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the employee's personnel file to confirm the variation to the terms of employment.

Unless otherwise agreed (and subject to any agreed trial period) changes to the employee's terms of employment will be permanent. The employee will not be able to make another formal request until 12 months after the date of their most recent request.

6.2 If the employee's line manager needs more time to make a decision, for example, where they need more time to investigate how the request can be accommodated or to consult several employees, they will discuss this with the employee.

There will be circumstances where, due to organisational requirements, the Diocese is unable to agree to a request. In these circumstances, the employee's line manager will write to the employee:

- a) explaining the organisational reason(s) for turning down the application; and
- b) setting out the appeal procedure.

6.3 The eight organisational reasons for which the Diocese may reject a request are:

- a) the burden of additional costs;
- b) detrimental effect on ability to meet work demands;
- c) inability to reorganise work among existing employees;
- d) inability to recruit additional employees;
- e) detrimental impact on quality;
- f) detrimental impact on performance;
- g) insufficiency of work during the periods that the employee proposes to work; and
- h) planned changes.

7. FORMAL REQUEST: APPEAL

- 7.1 If a request is rejected, the employee has the right to appeal. Any appeal must:
- a) be in writing and dated;
 - b) set out the grounds on which the employee is appealing; and
 - c) be sent to the HR department at Bishop's House, Hove, within 14 days of the date on which the employee received the written rejection of his or her request.
- 7.2 The COO will arrange for a meeting to take place following receipt of an appeal. The Diocese will try to hold the meeting at a convenient time for all those attending. The employee may be accompanied by a colleague of their choice.
- Where possible, the appeal meeting will be conducted by a manager who has not been previously involved in considering the request.
- The employee will be informed in writing of the decision as soon as possible after the appeal meeting.
- 7.3 If an appeal is upheld, the employee will be advised of their new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter, which will be placed on their personnel file to confirm the variation to the terms of employment.
- The employee should be aware that changes to their terms of employment will be permanent and the employee will not be able to make another formal request until 12 months after the date of his or her original application.
- 7.4 If the appeal is rejected, the written decision will give the organisational reason(s) for the decision and explain why the reason(s) apply in your case. The employee will not be able to make another formal request until 12 months after the date of their original application.

8. EXTENDING TIME UNDER THE FORMAL PROCEDURE

- 8.1 There may be exceptional occasions when it is not possible to complete consideration of the employee's request within the expected time limits. Where an extension of time is agreed with the employee, the employee's line manager will write to the employee confirming the extension and the date on which it will end.
- 8.2 If the employee withdraws a formal request for flexible working, the employee will not be eligible to make another formal request for 12 months from the date of his or her original request. In certain circumstances, a formal request will be treated as withdrawn. This will occur if the employee fails to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause.
- In such circumstances, the employee's line manager will write to the employee confirming that the request has been treated as withdrawn.

9. CONTACTING THE HR DEPARTMENT

- 9.1 The Diocese works with an external HR adviser for support on employment issues. HR support is provided through the Chief Operating Officer via coo@abdiocese.org.uk.

Approval

This policy was approved by the Diocesan Board of Trustees on:
The next review is due by:

8 July 2020
31 July 2022