Engineering UTC Northern Lincolnshire

Flexible Working Guidance

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Introduction

The Engineering UTC Northern Lincolnshire (ENLUTC) is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve the use and retention of staff.

This guidance gives eligible staff (employees with at least 26 weeks of continuous service) an opportunity to consider forms of flexible working on offer and outlines the process to formally request a change to their working pattern in accordance with the statutory procedure for such requests.

Through this guidance, requests for flexible working may be accommodated where possible, though it must be noted that some roles in college are not suitable for flexible arrangements. **The priority at all times will be the effective running of the ENLUTC for the benefit of the pupils and, where granting flexible working would impact detrimentally on that, requests will not be approved.** Requests will be handled in a reasonable manner, and reasons for the refusal of any requests must be provided to staff.

This guidance does not form part of any contract of employment and may be amended as necessary. This guidance applies to all eligible staff. It does not apply to agency workers, consultants or self-employed contractors.

Staff that do not meet the eligibility criteria for the formal procedure, but who want to request a change to their working arrangements, may make an informal request to their Principal who will consider the request according to the business and operational requirements of the ENLUTC.

Staff considering flexible working are encouraged to request an informal meeting with the Principal to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and the ENLUTC before submitting their request.

At the informal stage the responsible manager may agree that any request for flexible working can be granted on a trial basis, to enable them to assess the impact of the arrangement on the College.

Staff making requests for any form of flexible working will not be subjected to any detriment as a result.

1. Forms of flexible working

Flexible working can incorporate a number of possible changes to working arrangements:

- reducing, or varying, working hours
- reducing, or varying, days worked
- working from a different location

Such changes may also involve a job share arrangement; 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; working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by staff making the request. Consideration will be given on a case-by-case basis as to whether the role in question is suitable for such an arrangement in line with the needs of the ENLUTC.
Staff should be aware that changes to working hours will affect pay and other benefits, for example pension and annual leave entitlement. Professional advice should be sought when making decisions which may affect pension arrangements.

1.1 Job Share

Job sharing is a working pattern where two or more people share the responsibilities and benefits of one full time position. The job share partners collaborate and co-ordinate their activities to complete the work of one job. The pay and benefits are divided between the partners according to the hours worked.

Separate arrangements apply for existing staff wishing to change their working hours (e.g. to work part time) without entering a job share arrangement.

1.2 Flexible Hours

Flexible hours (also commonly known as flexi-time) are where a member of staff, in conjunction with the Principal, chooses when to start and end work every day, within agreed limits.

Any arrangement of flexible hours may contain ‘core time’ where the member of staff needs to be in work (e.g. a member of staff working in the college office may be able to start and finish work at any time between 7.30am and 5.30pm, but will be expected to be in work at the start and end of the pupil’s school day).

Employees are entitled to make a request for flexible hours and this will be considered in line with the Procedure, but it should be noted that flexible hours may not be appropriate within a college setting.

1.3 Annualised Hours

Annualised hours contracts can 'average' full- or part-time employment across the period of a calendar year, for example a member of staff employed in College on an all year round contract may work more hours in weeks during the college term, while reducing their hours during college closure periods, ensuring that the individual works at those times most suited to the workload requirements.

Annualised hours contracts specify the number of hours to be worked during the course of the year, where this equates to less than full time, terms and conditions of employment are pro rata to those of full time staff.

Employees are entitled to make a request for annualised hours and this will be considered in line with the Procedure, but it should be noted that annualised hours may not be appropriate within a college setting.

1.4 Compressed Hours

Compressed working hours is an arrangement where a member of staff works more hours per day in exchange for a reduction in working time or working days usually over a weekly or fortnightly period, for example a member of staff contracted to work 37 hours a week may, over a two-week period, work their contracted hours over 9 days rather than 10.

Employees are entitled to make a request for compressed hours and this will be considered in line with the Procedure, but it should be noted that compressed hours may not be appropriate within a college setting.

1.5 Term Time Working

Term-time working is an arrangement whereby a member of staff is contracted to work a particular number of weeks per year on either a full or part-time basis. Non-working time is scheduled at regular, planned periods which will normally coincide with college holidays.

Many posts within the College specifically require term-time working and this will be clearly stipulated at the outset of the recruitment process for the role. Staff may request to be considered for term-time working where their post normally requires year-round working.

The total number of designated working weeks does not include a member of staff's pro rata entitlement to annual leave and public holidays, which is added to the designated working hours to form the basis of the contract of employment.

The leave entitlement for term time working staff must be taken during non-working weeks.

1.6 Home/Remote Working

There may be certain roles which could adapt to working from home, or another location, on occasion or when a particular task needs completing (for example, writing a report).

There should be a clear understanding with the employer over when the member of staff will work and be contactable by colleagues and any external partners or stakeholders, and what equipment will be necessary to facilitate the arrangement.

Homeworking is not a substitute for suitable care arrangements and dependents should always be looked after by someone other than the member of staff during working hours.

The College will not be responsible for the payment of any expenses or bills (e.g. utilities/telephone/internet) arising for staff who choose to work from home.

2. Flexible/Phased Retirement

From age 55, a member of staff can reduce their hours or move to a less senior position and, provided their employer agrees, draw some or all the pension benefits they have built up – helping them ease into retirement.

If flexible retirement is taken before the normal retirement age, benefits may be reduced to take account of their early payment unless the employer agrees to waive the reduction in whole or in part. Staff can continue paying into their pension scheme on their reduced hours or in their new role, building up further benefits in the scheme.

Flexible retirement can bring benefits for employer and employee. For the employer, flexible retirement enables retention of valuable experience and knowledge which would otherwise be lost if an employee were to retire or leave. It also offers an effective means to reduce capacity and increases opportunities for succession planning.

Flexible retirement is at the discretion of the employer, staff considering flexible retirement should discuss this with the Principal in the first instance, and professional advice should be sought when making decisions which may affect pension arrangements. Individuals are strongly advised to

contact an independent financial adviser/their pension before making a decision about flexible retirement.

Staff interested in applying for flexible retirement, should obtain a pension estimate before proceeding with their request. Non-teaching staff over the age of 60 may contact their pension provider or HR to request a pension estimate. Staff under the age of 60 must request an estimate through the Principal, who will make the request via HR.
Teaching staff can request pension estimates via Teachers' Pensions who can be contacted on 0345 606 6166 or on www.teacherspensions.co.uk

Flexible retirement can only be taken with the permission of the employer, as granting early access to pension benefits may result in a financial cost to the College. When the Principal receives a request for flexible retirement from their staff they will seek advice from HR.

3. The Right to Ask to Work Flexibly

All employees now have the right to apply to work flexibly, subject to 26 weeks qualifying service. There is no automatic right to work flexibly, only a right to make the request, and employers have a statutory duty to consider these requests seriously.

Appendix 1 provides further guidance in processing a flexible working request – "A Guide to The Right to Ask to Work Flexibly"

This process will enable employees to request to work flexibly. It will not provide an automatic right to work flexibly as there will always be circumstances where an employer is unable to accommodate the employee's desired work pattern. It aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits both.

Employees will need to apply in writing indicating why flexible working would assist them and when they would like the working pattern to begin. They will be able to make one application per year and an accepted change will be a permanent change to the employee's terms and conditions of employment, unless otherwise agreed. They should also outline any implications for the employer.

Within 28 days of the request being received, the Principal will arrange to meet with the employee. This will provide an opportunity to discuss the request in depth and how it may best be accommodated. It will also be an opportunity to discuss alternative work patterns. Employees have the right to be accompanied by a trade union official or work colleague.

Within 14 days of the meeting the Principal will write to the employee to either agree a new work pattern and a start date, or provide clear business grounds (see Appendix 1) as to why the application cannot be accepted.

3.1 Appeals

The employee has a right to appeal against the employer's decision; this must be made within 14 days of being notified of the decision.

An appeal against the Principal's decision should be heard by Principal/Member of the Governing Body/Panel of the Governing Body with no prior involvement in the request. A bundle of evidence consisting of the original request, confirmation that the request has been turned down, the appeal form and any other relevant information should be shared with all parties 3 working days before the hearing

The employer must arrange an appeal meeting to take place within 14 days after receiving notice of the appeal. The employee can be accompanied, and the timing and location of the appeal meeting must be reasonable. A note of the proceedings should be made.

The employer must notify the employee of the outcome of the appeal in writing within 14 days of the date of the appeal.
The timing and location of the appeal meeting must be reasonable. A note of the proceedings should be made.

Guidance on how an appeal meeting should be conducted can be found in Appendix 5 – Conduct of the Appeal Meeting.

Appendices

Appendix 1 – A Guide to the Right to Ask to Work Flexibly

Appendix 2 – Flexible Working Request Flow Chart

Appendix 3 – Flexible Working Application Form

Appendix 4 - Flexible Working Appeal Form

Appendix 5 – Conduct of the Appeal Meeting

Appendix 1 A Guide to the Right to Ask to Work Flexibly

The right to request flexible working applies to all staff who have 26 weeks or more continuous service at the date of application. Agency workers do not have a right to request flexible working. Employees must not have made another application to work flexibly under the right during the past 12 months.

In the event that a request to work flexibly cannot be dealt with informally the application form in Appendix 3 can be completed to make a formal application however, if agreement is reached informally, then a note of the request, discussion and outcome should be made and placed on file, and the employee should be notified of any resulting change to contractual terms and conditions of employment in the usual way.

The following details the rights and responsibilities for both the employee and the employer:

Employees' rights

- To apply to work flexibly.
- To have their application considered properly in accordance with the procedure and refused only where there is a clear business ground for doing so.
- To be accompanied when meeting the employer to discuss the application as part of the formal process.
- Where an application is refused, to have a written explanation.
- To appeal against an employer's decision to refuse an application.
- To take a complaint to a tribunal in certain circumstances.
- To be protected from detriment or dismissal for making an application under the right.

Employees' responsibilities

- To provide a carefully thought-out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all the necessary information.
- To ensure the application is made well in advance of when they want it to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with the employer.

Employers' rights

- To reject an application when the desired working pattern cannot be accommodated within the needs of the ENLUTC.
- To seek the employee's agreement to extend timescales where it is appropriate.
- To consider an application withdrawn in certain circumstances.

Employers' responsibilities

- To consider requests properly in accordance with the procedure.
- To adhere to the time limits contained within the procedure.
- To provide the employee with appropriate support and information during the course of the application.

- To decline a request only where there is a recognised business ground and to explain to the employee in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing.
- To ensure that they do not subject an employee to detriment or dismissal for making an application under the right.

How should an application be declined?

There will always be circumstances where, due to the needs of the ENLUTC, the Principal considers they are unable to accept a request. In all such circumstances, they must in writing:

- state which of the listed business ground(s) apply as to why the request cannot be accepted;
- provide an explanation of why the business reasons apply in the circumstances;
- set out the appeal procedure;
- ensure the written notice is dated.

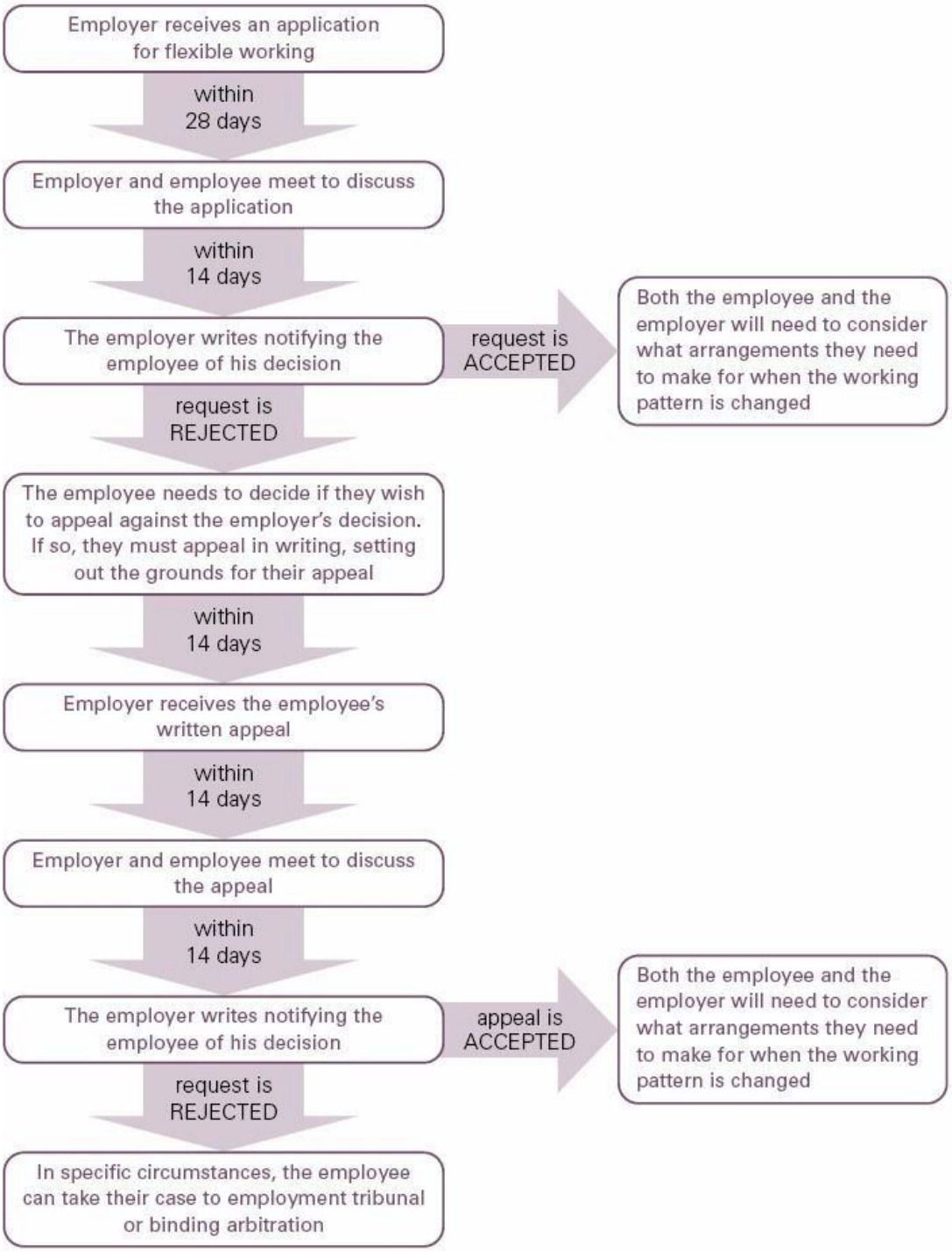
In all cases advice should be sought from HR.

What is a business ground?

An application can be refused only where there is a clear business reason. The business ground(s) for refusing an application must be from one of those listed below:

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

Appendix 2 Flexible Working Request Flow Chart



Appendix 3 Flexible Working Application Form

1. Personal Details	
Name:	Role:
Manager:	

To the employer

I would like to apply for flexible working arrangements in connection with retirement.

OR

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996.

I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

If you do not meet the criteria outlined above, then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request will not be considered, but you will have to explore this separately with the Principal/Headteacher.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

Date:

3. Impact of the new working pattern:

I think this change in my working pattern will affect my employer and colleagues as follows:

4. Accommodating the new working pattern:

I think the effect on my employer and colleagues can be dealt with as follows:

Name: Date:

Appendix 4 Flexible Working Appeal Form

Dear:

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

(Please continue on a blank sheet if necessary).

Name: Date:

Appendix 5 – Conduct of the Appeal Meeting

Appeals against a decision to turn down a request for flexible working should be heard by the Principal/Member of the Governing Body/Panel of the Governing Body with no prior involvement in the request. The employee is entitled to be represented by a trade union representative or colleague (not acting in a legal capacity) and the Principal who has made the decision may be supported by a representative from HR. The panel may also be supported by HR. A note of the proceedings should be made.

- Chair of the Appeals Panel makes introductions and explains procedure;
- If new evidence is presented both parties are to be given an opportunity to read it; the panel decide if an adjournment is needed and whether to accept the information;
- Principal presents their case;
- Staff member or representative may ask questions of Principal;
- Staff member or representative present their case;
- Principal may ask questions of staff member;
- The Panel may question either side;
- Adjournment for concluding statements, if requested;
- Concluding statements from both sides;
- The Chair will ask both parties to leave while decision made;
- Once decision made both parties called back into hearing and informed of decision; • The decision will be communicated in writing to the employee within 14 days.