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5.3. Human Resources Policies and Procedures

NB:

- **Extract Cover Sheet Must Remain with Extract**
- **Extracts are Uncontrolled Documents and are only Valid at Point of Submission**
- **Where Possible an Extract should be Read in Conjunction with the Parent Document**

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8 Flexible Working

All employees with 26 weeks' continuous service have the right to request a flexible working pattern, which must be considered seriously by Centre management. This policy sets out the process to be followed for requesting flexible working.

8.1 Who can make an application?

In order to make a request for the statutory right to request flexible working an individual must:

- be an employee; and
- have worked for the Company continuously for a minimum of 26 weeks at the date the application is made; and
- not have made another application to work flexibly during the past 12 months

8.2 What work patterns can be applied for?

Eligible employees can apply for a wide range of working patterns. This may include (but is not limited to) a request to:

- Change in the hours or days of work
- Change of the times of shifts
- Work from home for all or part of the week
- Job share
- Compress the same number of hours into fewer working days

You should be aware that any change in your working hours or shifts might affect your salary.

8.3 How do you make an application?

All applications must contain specific information, to enable management to consider requests properly. Employees wishing to apply for flexible working should ask the HR Office for a Flexible Working Application Form. This should be completed and returned to the HR Office, for consideration by the relevant senior manager. If an application does not contain all of the required information, it will be returned to the employee for completion.

Further guidance on making an application is available from Government Website <https://www.gov.uk/flexible-working>.

8.4 How does the application process work?

Once the HR Office has received an application, the Centre has a period of three months to notify the employee of its decision.

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The process the Centre will normally follow will involve the relevant senior manager meeting with the employee making the application. At this meeting, at which, if he or she wishes, the employee may be accompanied by a trade union representative or other work colleague, the senior manager will discuss the application with the employee and look carefully at the employee's proposals. This meeting provides an opportunity to examine how the proposed working pattern could be implemented or, if this would not be possible, to explore alternative arrangements.

If the senior manager feels it would be helpful, he or she may ask a representative from the HR Office to attend the meeting.

If an employee or his or her chosen representative cannot attend the meeting at the time suggested by the senior manager, the employee must suggest an alternative time, within 7 days of the original date.

After the meeting, the senior manager will contact the employee in writing to inform him or her whether the application has been successful. If the application is successful, the senior manager's letter will contain a description of the new working pattern and the date from which this will take effect.

On some occasions, further information may be required by the senior manager prior to making his or her decision and the employee will be notified if this is the case.

On some occasions, it will not be possible for the employee's request to be granted. Should this be the case, the senior manager will contact the employee in writing. This letter will set out the business ground(s) for refusing the application, provide a sufficient explanation as to why these business ground(s) apply in the circumstances and outline the employee's right to appeal the decision.

8.5 What if an application is rejected?

If an application has been rejected, the employee will have a written summary of the reasons for this refusal. However, there may be cases where an employee does not feel that their request has been given appropriate serious consideration. In these instances, there is a right of appeal.

While there are no set grounds for making an appeal, it is expected that the majority of appeals will involve bringing management's attention to information not originally available, or to challenge facts on which the senior manager considering the original request based his or her decision.

Any appeal should be made in writing and submitted to the HR Office within 14 days of an employee receiving notification that their request has not been successful. This will then be passed to the relevant member of the SMT, who will arrange to meet with the employee to discuss the appeal. Again, a trade union representative or other work colleague may accompany the employee to this meeting. A HR representative may also be present, if it is felt that this would be helpful.

After the meeting, the SMT member will inform the employee in writing of his or her decision. If the appeal is upheld, the letter from the SMT member will include a description of the new working pattern and the date that this is to take effect.

If the appeal is not upheld, the SMT member's letter will contain the grounds for the decision, relevant to the employee's reasons for making an appeal and provide an explanation as to why these grounds apply in the employee's circumstances.

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The decision of the SMT member is final and there is no further appeal under this policy. However, where an employee believes that the SMT member has arrived at a decision based on incorrect facts, or has not considered the application seriously, employees have recourse to the Centre's established grievance procedure. In specific circumstances an employee can take a complaint to an external body, such as ACAS or an employment tribunal, however, all steps within the workplace must be exhausted first.

8.6 Once accepted, how long will the flexible working pattern last?

Any application that has been accepted under this policy will be a permanent change to an employee's contract of employment, unless otherwise agreed. Once an application has been accepted, an employee has no right to revert back to the previous working pattern.

After making an application, an employee is unable to make another application to work flexibly for 12 months from the date the application is made.

8.7 Withdrawal of Applications for Flexible Working

There are three ways for an application for flexible working to be withdrawn. These are:

8.7.1 An employee decides to withdraw his or her application

An employee may withdraw his or her application at any time. In this instance, to avoid any misunderstandings, the employee should inform the HR Office of this decision in writing as soon as possible. Where an employee verbally withdraws their application, this will be acknowledged in writing by the HR Office. Employees who withdraw an application cannot make a further application within a twelve-month period; commencing the date he or she submitted the application that was withdrawn.

8.7.2 An employee fails to attend two meetings

Where an employee misses two meetings without reasonable explanation, management reserve the right to consider that employee's application to be withdrawn. Should unforeseen circumstances arise which would make it difficult for the employee to attend the meeting, he or she must inform the relevant manager as soon as possible.

8.7.3 An employee unreasonably refuses to provide required information

There may be occasions where the relevant senior manager is willing to accept an employee's application to work flexibly, but requires further information from the employee before confirming this decision. If an employee unreasonably refuses to provide this information, management reserve the right to consider the application withdrawn. An example of this would be where an employee wishes to work from home, but does not agree to Kibble's Health and Safety Officer carrying out a risk assessment of the employee's home workspace, as is required by legislation.

8.8 Further information

Further information is available from the HR Office, or on the Government Website <https://www.gov.uk/flexible-working>.