

HUNTINGDONSHIRE REGIONAL COLLEGE

FLEXIBLE WORKING POLICY

1 Details of the Policy

Since 6 April 2003 parents of children aged under six or of disabled children aged under 18 have had the right to apply to work flexibly providing they have the qualifying length of service. From 6 April 2007, employees who have caring responsibilities for an adult will also have the right to request to work flexibly. Huntingdonshire Regional College will have a statutory responsibility to consider applications seriously.

The right to request to work flexibly enables mothers, fathers and carers who care, or expect to be caring for a spouse, partner or relative or who live at the same address as the person being cared for, to request to work flexibly. It does NOT provide an *automatic* right to work flexibly as there will always be circumstances where the College is unable to accommodate the employee's desired work pattern. The right is designed to meet the needs of both parents, carers and the College, and aims to facilitate discussion and to encourage both the employee and the College to consider flexible working patterns, and to find a solution that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the College is required to follow a specific procedure to ensure requests are considered seriously.

2 Who can apply?

To make a request to work flexibly an individual will:

EITHER

- Be an employee
- Have worked for Huntingdonshire Regional College continuously for at least 26 weeks at the date the application is made
- Not have made another application to work flexibly under the right during the past twelve months
- Have a child under six, or under 18 in the case of a disabled child
- Be either a) the child's mother, father, adopter, guardian, or foster parent, or b) married to, or the partner of the child's mother, father, adopter, guardian or foster parent
- Make the application no later than two weeks before the child's sixth birthday or the 18th birthday in the case of a disabled child
- Have or expect to have responsibility for the child's upbringing
- Be making the application to enable them to care for the child

OR

- Be an employee
- Have worked for Huntingdonshire Regional College continuously for at least 26 weeks at the date the application is made
- Not have made another application to work flexibly under the right during the past twelve months
- Must be or expect to be caring for a spouse, partner, civil partner or relative. Step-relatives and half-blood relatives are also included
- Live at the same address as the adult in need of care

Under the legislation, applications cannot be made for any purpose other than caring for a child or for an adult in need of care.

3 What kind of changes can be applied for?

Eligible employees will be able to request:

- A change to the hours they work;
- A change to the times when they are required to work; or
- To work from home (whether for all or part of the week).

This covers working patterns such as annualised hours, compressed hours, flexitime, homeworking, job-sharing, self-rostering, shift working, staggered hours and term-time working.

4 The Procedure

- 4.1 It is up to the employee to make a considered application in writing to the Principal. They are only able to make one application a year under the right to request to work flexibly, and accepted applications will mean a **permanent** change to the employee's own terms and conditions of employment, unless otherwise agreed between both parties. It is important therefore that, before making an application, the employee gives careful consideration to which working pattern will help them best care for their child; or for caring for an adult, any financial implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the College and how these might be accommodated.
- 4.2 Within **28 days** of receiving the request, the Principal or appropriate delegated line manager, will arrange to meet the employee. This provides the College and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be any problems in accommodating the work pattern outlined in the employee's application. The employee can, if they want, bring with them a colleague as a companion.
- 4.3 Within **14 days** after the date of the meeting the College must write to the employee to either agree to the new work pattern and start date; or to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances and set out the appeal procedure.

Reason why a request may be turned down :

- Burden of additional costs
 - Detrimental effect on the ability to meet customer demand
 - Inability to recruit additional staff
 - Detrimental impact on quality
 - Detrimental impact on performance
 - Insufficiency of work during the period the employee proposes to work
 - Planned structural changes
 - Such ground as the Secretary of State may specify by the regulations.
- 4.4 All time periods can be extended where both the College and the employee agree. Any extensions must be recorded in writing by the College and copied to the employee.

5 Can an employee appeal against the decision?

Yes. The procedure provides an employee with the right to appeal against the College's decision within 14 days of being notified of it. The employee would then instigate the College's Grievance Procedure, which is detailed separately.

If after invoking the Grievance Procedure, the employee still feels unfairly treated, they can take their claim to an employment tribunal in specific circumstances. In such cases, the College must be able to demonstrate to the tribunal that they have followed the procedure correctly.

The new law providing parents of young or disabled children with the right to request a flexible working pattern will be in addition to, and will apply completely independently from, other legislation such as sex, disability, or race legislation.

6 What happens if the employee fails to attend meeting/s?

An employee who fails to attend the meeting without notification should contact the employer as soon as possible to explain their absence, and to allow the employer to rearrange the meeting at the next mutually convenient time. An employee who fails to attend meeting/s more than once and does not provide a reasonable explanation, the College may treat the application as having been withdrawn.

7 Equality and Diversity Impact Measure

The College believes that this policy will not adversely affect any minority group.