

FLEXIBLE WORKING: THE RIGHT TO APPLY 2021



Background

The College recognises the contribution of all its staff and also understands that, at some time in their working lives, staff may wish to work more flexibly.

In accordance with the Employment Rights Act 1996 and the subsequent Flexible Working Regulations 2014, every employee has the statutory right to ask to work flexibly after 26 weeks' employment. An employee can only make a statutory request once in any 12-month period. This document sets out the process the College will follow when responding to statutory written requests for flexible working.

The statutory right to apply does not provide an automatic right to work flexibly as there may be circumstances when the College is unable to accommodate an individual employee's desired work pattern.

Hybrid roles

Many, but not all, roles within College involve work that is most appropriately and effectively undertaken through a blend of onsite and remote/home working. The blend between onsite and remote/home working is dependent on the demands of the role and the needs of the department, the working practices for hybrid roles are determined at a departmental level and are subject to change.

Hybrid working practices are continually reviewed to ensure they remain the most effective method of working and as such are subject to change. Changes to working practices resulting from a formal flexible working request do constitute a permanent contractual change.

Below is a summary of the "Flexible working – the right to apply" legislation.

Eligibility

To be eligible to make a formal flexible working application:

- You must be an employee
- You must have worked for the College for 26 weeks continuously at the date that the application is made
- You must not have made another flexible working application during the past 12 months

Scope of request

Eligible staff will be able to request:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home

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

The application

You must submit an application in writing to your line manager (email accepted), dated and:

- state that it is an application under current legislation
- specify the change you are applying for and the proposed start date of the change
- explain any effect you believe these changes may have on the College
- explain how the change may be dealt with
- explain if your request relates to something covered by the Equality Act 2010, for example to make a 'reasonable adjustment' for a disability you have

The procedure

- your line manager may feel able to approve your request without further discussion based on the information provided in your written application in which case a meeting to discuss the request may not be necessary and you will be provided with written confirmation within 28 days of the date of your application
- if further discussion is needed, within 28 days of the date of your application the College (usually your line manager, a member of the Human Resources team and if appropriate your head of department or relevant Directorate member) must hold a meeting with you
- the time and date of meeting must be convenient for both parties
- you may if you wish be accompanied at this meeting by another member of staff (or TU Representative)
- if the application is agreed, the College will specify the agreed contract variation and the start date and will confirm in writing within 14 days of the meeting
- if the application is refused the College must give written notice of the decision within 14 days:
 - setting out the grounds for refusal
 - explaining why those grounds for refusal apply
 - setting out the appeal procedure

Grounds for refusal

The College shall only refuse the application on one of a number of specified grounds. These are:

- additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality of performance
- insufficiency of work during periods the employee proposes to work
- planned structural changes

Appeal process

- if your application is refused you can appeal within 14 calendar days of the date of the notice of decision
- your appeal must be submitted in writing to the Head of Human Resources and must set out the grounds of appeal
- the College must hear your appeal within 14 calendar days of the date of your notice of appeal unless the contract variation is agreed within 14 days
- an appeal meeting will ordinarily be heard by the Head of Human Resources with your head of department or relevant member of Directorate
- you may if you wish be accompanied by another member of staff (or TU representative)
- the time and place of the meeting must be convenient to both parties

- the College must notify you, in writing, of the decision within 14 days after the date of appeal, giving reasons

A member of staff can only make one flexible working application in a 12 month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

An accepted application will mean a **permanent** change to a member of staff's contractual terms and conditions.

Further details of the right to apply for flexible working are available from Human Resources by emailing humanresources@rcm.ac.uk

Head of HR

Jennifer Allison
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Policy reviewed by

Human Resources
June 2014, January 2015, January 2018, September 2021

Approved by

Executive Committee
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