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| <b>Flexible Working Policy and Procedure</b>      |
| Approved by: <b>Executive</b>                     |
| Date approved: <b>6 March 2024</b>                |
| Strategy/Policy Responsibility: <b>Head of HR</b> |
| Review date: <b>6 March 2026</b>                  |



Until  
September  
2025

## **1. Introduction**

This policy sets out the College's approach to flexible working.

This includes guidance in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.

As a College we are proud of embedding our FREDIE principles (Fairness, Respect, Equality, Diversity, Inclusion and Engagement). The College is committed to providing an inclusive and supportive working environment in which colleagues can discuss what flexible working options may be available to them, and operate the procedure in a fair and equitable way. The College recognises that flexible working can provide significant benefits to both members of staff and the College, and aims to support staff, where possible, to manage the balance between work and home life.

## **2. Scope**

All members of staff have a statutory right to request flexible working, subject to the eligibility conditions set out below.

Requests for flexible working may be for any reason and are not restricted to staff with family or care commitments.

## **3. Flexible Working Policy**

- 3.1 Where a staff member is thinking about flexible working options, it is advised that this is discussed informally with their line manager in the first instance. Where this is discussed in an informal solution-focused way, with due consideration to operational demands, it is possible that this is agreed at this stage without the need to follow the formal procedure below.
- 3.2 Where the formal process is followed, it is the responsibility of the member of staff to ensure that they follow the process outlined in this policy, and provide as much information as possible to ensure that their request can be fully considered.
- 3.3 Flexible working describes any working arrangements where the number of hours worked or the time or place that work is undertaken vary from standard practice. This includes but is not limited to the following:
  - change to the number of hours of work
  - change to the times, or days of work
  - reduction in the working week
  - job share arrangements
  - work patterns such as, annualised hours, compressed hours, flexitime, shift working, staggered hours and term time working
- 3.4 In order to make a statutory flexible working request under this policy a member of staff must:

- Be employed by the College
- Not have made more than 1 flexible working request under this policy in the preceding 12-month period, nor have a current live flexible working request open. (A maximum of 2 requests are allowed within any 12-month period)

A flexible working request will remain live until:

- a decision about the request is made by the employer;
- the request is withdrawn;
- an outcome is mutually agreed;
- the statutory two-month period for deciding requests ends.

- 3.5 Where requests are made, the College will try to accommodate requests where possible, and may also, if appropriate, explore alternative flexible arrangements with the member of staff in order to reach a mutually beneficial arrangement.
- 3.6 All requests will be considered as quickly as possible, with a decision reached and communicated normally within one calendar month of the manager receiving the request, unless there are exceptional circumstances for why this is not possible, in which case the member of staff will be kept updated by their manager. It should be taken account that the maximum timeframe under the statutory process is two calendar months (including any appeal).
- 3.7 Any subsequent appeal made by a member of staff against the decision must be concluded within a maximum period of two calendar months from the date of the formal request form was received. This timescale may be extended, if necessary, with the agreement of both parties, for example, to allow for a trial period. If an extension is agreed, this must be outlined in writing to the employee.
- 3.8 Once approved, changes to working patterns will normally amount to a permanent change to the staff member's contract of employment, unless otherwise agreed.
- 3.9 Staff have the right to be accompanied by a trade union representative or work colleague at all formal stages of this process. Notes should be taken at all formal stages of the process and a copy of the notes sent to the employee.
- 3.10 When faced with competing flexible working requests from employees within the same team, managers will consider each case based on its own merits and in the order in which they were received.
- 3.11 It is recognised that occasionally, staff may need to request a temporary change to their working arrangements for a short period, for example to enable them to deal with a temporary or urgent situation. As such needs may arise quickly, in these circumstances staff should approach their manager informally in the first instance, outlining their request and the likely duration. Managers should endeavour to respond to these requests as quickly as possible, applying the principles of this policy. Temporary arrangements should be for a period no longer than six months. If the temporary arrangement is required longer term, then consideration needs to be

given as to whether the change to working arrangements should be formalised and made a permanent contractual change.

#### **4. Flexible Working Process**

- 4.1 Applications should be put in writing to the line manager using the [Flexible Working request Form](#).
- 4.2 Upon receipt of a request, the manager will consider it carefully, considering the potential benefits and weighing them up against any adverse impact of the proposed changes. Decisions will be based on whether or not a request can be granted on operational grounds.
- 4.3 If the manager can approve the request straight away, there is no need to have a meeting unless the manager chooses to do so. The manager will notify HR [HumanResources@Croydon.ac.uk](mailto:HumanResources@Croydon.ac.uk) of any changes via an Employee Amendment Form and this will be confirmed in writing to the member of staff.
- 4.4 Where the manager requires further information or discussion, they should arrange to formally meet with the member of staff at a mutually convenient time to discuss the request in more detail. The meeting should be held without unreasonable delay, taking into account the statutory two-month period for deciding requests, which includes any appeal process.  
  
The meeting will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working pattern options. Human Resources are not required to attend this meeting, but can attend the manager's request.
- 4.5 Should the member of staff be unable to attend the meeting; a further meeting will be arranged. However, if they fail to attend again without good reason then the application will be considered to be withdrawn and the employee will be informed of this decision in writing.
- 4.6 Where it is not clear if a flexible working arrangement will be effective, or if both parties feel it would be beneficial, a trial period of new working arrangements may be offered to enable a full assessment of the impact of the request on the member of staff, department and colleagues. The trial period will normally last between one and three months. The length of the trial period will be agreed in advance.
- 4.7 At the end of the trial period the member of staff and manager should meet to discuss and review it, and consider the continuance of the arrangements. The outcome of the trial period will be confirmed in writing.
- 4.8 Once a decision is reached the manager will inform the member of staff of the outcome in writing, which may be to:

- agree to a new work pattern and a start date
- agree a trial period of proposed working arrangements
- confirm a compromise agreed with the member of staff
- provide a clear business reason as to why the application cannot be accepted. This reason must be one of those listed below.

The decision in writing should offer the employee an opportunity to discuss the outcome and clarify and details with regard to implementing the arrangement, i.e. dates for review, etc.

4.9 An application may only be rejected for one of the following business reasons:

- the burden of any additional costs is unacceptable
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- the College considers the change will have a detrimental impact on quality
- the College considers the change would have a detrimental effect on its ability to meet customer, student or service demand
- the College considers the change would have a detrimental impact on performance of the individual, the team, or the College
- there is insufficient work during the periods that the employee proposes to work
- planned structural changes to the College

4.10 The member of staff may appeal the decision within 5 working days of the original decision being notified to them. The grounds for the appeal should be put in writing to the appropriate Head of School /Head of Learning Area/ Head of Support Service and copied to the Head of Human Resources who will appoint a suitable manager to hear the appeal. This will normally be a manager more senior to the person who made the initial decision. A representative from Human Resources will provide guidance and support to the appeal manager. The appeal manager may, as they feel necessary, request further information and/or evidence, and may wish to meet with the employee and/or the manager. The appeal manager will make a final decision on whether the appeal should be allowed or rejected.

4.11 The appeal manager will notify the employee of the outcome of the appeal in writing within 5 working days of the appeal decision. Their decision will be final.

4.12 Where a flexible working request is approved, which results in a reduction in working hours, salary and benefits will be pro-rated to reflect the new working hours. In the case of the shorter working year e.g. term time hours, the pro-rated salary will be paid over a 12-month period. Other benefits, for example holiday, will be also be pro-rated.

4.13 In handling a request, and any information that the employee discloses as part of that request, managers should refer to the protected characteristics set out in the Equality Act 2010 and ensure that there is no discrimination in relation to any protected characteristic. The protected characteristics are: age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 4.14 If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the line manager must consult with HR as there is a separate legal responsibility to make reasonable adjustments that will need to be considered.

### **5. Flexible Retirement**

- 5.1 If you are a member of one of our pension schemes ([Teachers' Pension](#) or [LGPS](#)) you may have options to consider phased retirement options, which usually require permission from the College to reduce your contractual hours. Staff should refer to the rules of the scheme they are in and it is the employee's responsibility to ensure that the timelines for seeking authorisation from the College are met. It is recommended that the flexible working application process outlined above should be followed for such requests.

### **6. Workers (Predictable Terms and Conditions) Act 2023**

At the time of update the Workers (Predictable Terms and Conditions) Act 2023 has received Royal assent and is expected to become law in Autumn 2024. ACAS has published a [draft code of practice](#) regarding such requests and the College commits to following this in any interim period after the proposals become law until we develop a separate policy in relation to this Act.