

## **FLEXIBLE WORKING GUIDELINES**

**Reviewed: 1<sup>st</sup> April 2011**  
**Next Review Date: 31<sup>st</sup> March 2012**

ELCAP supports flexible working. Under the Employment Act 2002 and the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2010 parents of children aged under sixteen have the right to apply to work flexibly. The right has been extended to the carers of adults. Carers have the right to request flexible working.

It is not a right to work flexibly as the needs of the service may not match flexible working patterns but managers will endeavour to accommodate requests.

For Support Workers, it is expected that all staff will work their share of shifts in a service including unsocial hours and sleepovers. Staff who wish to change this arrangement of hours need to follow the flexible working policy and request a change.

### **Eligibility**

[a] In order to make a request for flexible working as a parent of a child, a member of staff will:

- be a permanent employee
- have a child under sixteen
- have worked with ELCAP continuously for 26 weeks at the date the application is made
- make the application no later than two weeks before the child's sixteenth birthday
- have or expect to have responsibility for the child's upbringing
- be making the application to enable you to care for the child's upbringing
- be making the application to enable you to care for the child
- not have made another applications to work flexibly under the right during the last 12 months

[b] In order to make a request for flexible working as a carer of an adult, the person cared for must:

- be married to, or the partner or civil partner of the employee
- be a 'near relative' of the employee; or
- falls into neither category but lives at the same address as the employee

"Near relative" will cover parents; parents-in-law; adult children; adopted adult children; siblings (including those who are in laws); uncles; aunts; grandparents or step-relatives.

As in [a] above a carer of an adult will be a permanent employee; have worked with ELCAP continuously for 26 weeks at the date the application is made and not have made another application to work flexibly under the right during the last 12 months

### Scope of a 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

### How to Apply

It will be the staff member's responsibility to make a considered application in writing to their line manager. Only one application can be made in a year and if an application is accepted by ELCAP this will mean that it is a **permanent** change to the member of staff's terms and conditions of employment. It is important therefore that, before making an application, the staff member gives careful consideration to which working pattern will help them best care for the child or adult. For example, any financial implications that it might have if someone reduces their hours.

**Within 28 days** the line manager will arrange to meet with the member of staff to discuss the application. This will allow time to explore the request in depth and provide an opportunity to

consider other alternative working patterns should there be any difficulties in accommodating the desired request.

**Within 14 days** after the date of the above meeting the manager will write to the staff member to either agree to a new work pattern and a start date; or provide a clear business reason(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances.

The line manager must have any flexible working arrangements approved by the Human Resources Manager and an Assistant Director.

### **Right to Appeal**

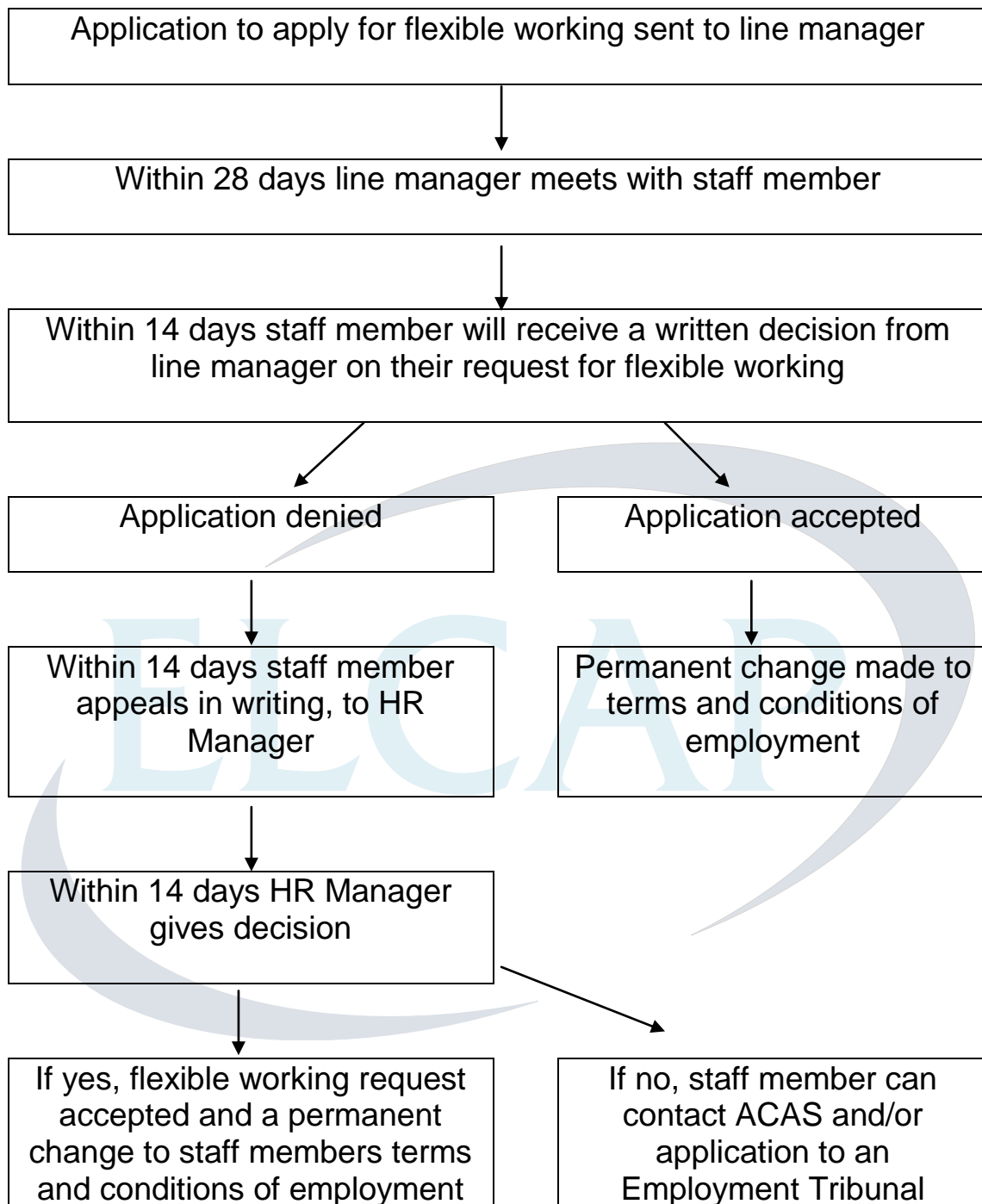
A staff member has the right to appeal against the decision of the manager within 14 days of being notified of the outcome. The written appeal should be sent to the Human Resources Manager.

The Human Resources Manager will meet with the staff member and the line manager to hear the appeal. Within 14 days after the date of the meeting the Human Resources Manager will notify the staff member of the outcome.

A staff member may pursue third party involvement after the appeal process. This may be by referring their request to ACAS, to an employment tribunal, or by using another form of dispute resolution. A member of staff will only be able to take their claim to an employment tribunal in specific circumstances.

Note: if a staff member's request is not accepted, it is possible to make a further request the following year. Only one application can be made each year. If a request is granted, it is a permanent change to the staff member's terms and conditions of employment.

## PROCEDURE



## FLEXIBLE WORKING APPLICATION FORM

### Personal Details:

Name:

.....

Address:

.....

.....

Line Manager: .....

Area .....

### To ELCAP:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:

I have responsibility for the upbringing of a child under 16. I am:

The mother, father, adopter, guardian or foster parent of the child

Or:

Married to or the partner of the child's mother, father, adopter, Guardian or foster parent.

- I am making this request to help me care for my child.
- I am making this request no later than two weeks before my child's eighteenth birthday
- I have worked continuously as an employee of ELCAP for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

If you are unable to tick all four boxes above then you do not qualify to make a request to work flexibly in law. This does not mean that your request may not be considered, but you will have to explore this separately with your line manager.

*Line Manager: Please arrange a meeting with the staff member within 28 days to discuss this application and pass this form to Human Resources.*

<p><i>Describe your current working pattern.</i></p>	
<p><i>Describe the working pattern you would like to work in future (days/hours/times worked). You may continue on a separate sheet if necessary.</i></p>	
<p><i>I would like this working pattern to commence from:</i></p>	
<p><i>I think this change in my working pattern will affect my team as follows:</i></p>	
<p><i>I think the effect on my team can be dealt with as follows:</i></p>	

*Please pass this form to your line manager.*

*When you meet with your line manager to discuss the application, you might want to consider whether you would like a fellow colleague to accompany you at the meeting.*

*Signed:.....Date:.....*