Registered Right to Request Flexible working Policy

<table>
<thead>
<tr>
<th>References</th>
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<tr>
<td>Other CLC policies relating to this policy</td>
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<td>Rota Management Policy</td>
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</tbody>
</table>

<table>
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<tr>
<th>Legislation relating to this policy</th>
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</thead>
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<tr>
<td>The Work and Families Act 2006</td>
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<td>The Flexible Working (Eligibility, Complaints and Remedies) (amendment) Regulations 2009</td>
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<tr>
<th>Date of Last Review</th>
<th>July 2016</th>
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<td>Date of next Review</td>
<td>July 2017</td>
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<td>Responsible for Policy Review</td>
<td>HR</td>
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'Community Lives Consortium is regulated by the Care Standards Inspectorate for Wales and commissioned by City & County of Swansea and Neath Port Talbot County Borough Council, we may share information about our services and the people we support for quality and regulatory purposes'
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Scope</td>
<td>3</td>
</tr>
<tr>
<td>Eligibility</td>
<td>3</td>
</tr>
<tr>
<td>The procedure</td>
<td>4</td>
</tr>
<tr>
<td>Contractual and Regulatory obligation for staff to train</td>
<td>6</td>
</tr>
</tbody>
</table>

**Appendix 1 – Request for Flexible Working Form**
**Introduction**

This document sets out the Consortium’s policy and procedure that will be followed when a Request for Flexible Working is received.

This policy complies with the statutory procedure and the Company’s commitment to good practice.

The Consortium considers the right to apply for flexible working as an opportunity to consider alternative ways to provide its services.

All eligible employees have had a statutory right to apply to work flexibly. The right is designed to balance the needs of both employers and employees.

The Consortium will consider all requests fairly and objectively and will follow the statutory procedure when considering all requests.

The right to apply does not provide an automatic right to work flexibly as there may be circumstances where the Consortium will be unable to accommodate your desired working pattern. Any previous decisions made WILL NOT set a precedent for future decisions.

**Scope**

This policy applies to all “employees” of the Consortium who have worked continuously under a Contract of Employment for 26 weeks or more.

A “Request for Flexible Working” is a request for a permanent change to any working pattern to suit your needs. This list is not exhaustive, but types of requests can include:

- A change to your hours of work.
- A change to the times you work.

**Eligibility**

To be eligible to request to work flexibly under the statutory right to apply you must:

- be an employee.
- have worked for the Consortium continuously as an employee for 26 weeks before applying.
- have not submitted an application during the past 12 months.
The procedure

The Request

This procedure can take up to 12 weeks to complete, it is therefore your responsibility to submit your request to work flexibly well in advance of when you would like it to begin.

In accordance with the statutory procedure, applications for flexible working must:

- be in writing.
- state that the request is being made under your statutory right.
- specify your desired working pattern.
- explain the effects your desired working pattern will have upon the service and your colleagues.
- explain how these effects may be overcome.
- state if your request is in relation to the Equality Act 2010, for example, a reasonable adjustment is required if you are a disabled employee.
- specify the date on which you would like your new working pattern to begin.
- state whether or not you have previously made a request, and if so, when?
- be dated.

When making your application, it is in your best interest to provide as much information as possible, and to be as clear and explicit as possible.

To submit your request, you should complete the “Request for Flexible Working Form”, (Appendix 2 to this policy) and hand it to your line manager. Your line manager will forward your request to the Human Resources Department.

The Human Resources Department will write to you within 14 days to acknowledge receipt of your request.

The Meeting

Within 28 days of acknowledging your request, the Human Resources Department will either write to you confirming that your request has been approved or write to you to invite you to a meeting to discuss your request further.

The meeting will be conducted by an appropriate manager within your line management structure, and, where requested by that manager, they will be accompanied by a member of the Human Resources Team.

You have the right to be accompanied at the meeting by a work colleague or trade union representative; your letter will inform you of this. It is your responsibility to make the appropriate arrangements for your companion to attend.
The meeting will provide an opportunity to discuss your request in more detail, and / or to negotiate an alternative working pattern that will meet both your needs and the needs of the Consortium.

When considering your request, your line manager will look at any possible benefits that your requested changes may bring for you and for the Consortium and weigh up any benefits against any adverse effects on the business of implementing the changes. The Consortium is under no statutory obligation to grant a request to work flexibly however all eligible requests will be considered.

The responsible manager will make the final decision on whether or not the request can be approved taking advice from the Human Resources Department if required.

Notes of the meeting will be made so that a formal response can be issued.

**The Response**

Within 14 days of the meeting, the Human Resources Department will write to you to confirm the outcome of the meeting, and will either:

- approve and confirm the changes to your working arrangements,
- confirm the alternative working pattern negotiated at the meeting, or
- decline your request, and advise you of the business reasons for this.

Although this list is not exhaustive, business reasons may include:

- the Consortium will incur additional costs as a result of the new working pattern.
- an inability to reorganise work amongst existing staff.
- there will be a detrimental effect on the Consortium’s ability to meet the needs of the people we support, other departments or customers.
- the Consortium will be unable to reorganise the work among existing employees.
- the Consortium will be unable to recruit additional employees to cover vacant hours.
- there will be a detrimental effect on quality or performance.
- there will be insufficient work during the period(s) the employee wishes to work.
- planned structural changes to the business.

**Appeal**

There is no statutory right to appeal within this procedure.
Any person who works for the Consortium has a contractual and regulatory obligation to attend training.

All eligible employees who successfully apply for Flexible Working under this policy are required to attend appropriate training courses, even if the time of the training courses fall outside of their agreed Flexible Working Hours.