

## FLEXIBLE WORKING POLICY

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Date	Reviewed by	Approved by	Date Accepted by Trustees
January 2022	Operations Manager	Policy Review Committee	31 <sup>st</sup> January 2022

## 1. Introduction

Employees with a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by Triple C (Liverpool), hereafter referred to as Triple C.

## 2. Aims of the Policy

- To ensure that Triple C complies with all of its obligations imposed by law, and that all applications to work flexibly are dealt with fairly and consistently.
- To be a responsible employer and to help achieve good work-life balance for all staff. However, the needs and demands of the services we provide, as detailed in job descriptions and Triple C's objectives, are the defining criteria when considering any leave or flexible working. This policy is designed to ensure that, as far as is possible given the range of roles and responsibilities, all members of staff can benefit from flexible working arrangements in a way that has no adverse effect on the quality of the organisation's work.
- To help staff balance their work and home life and in turn increase staff motivation, build better relationships between Triple C and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the organisation's efficiency, productivity and competitiveness. If you have any queries or want to discuss this further then you are asked to discuss this with your line manager.

This policy covers:

1. Working from home – ad hoc arrangements
2. Regular or considerable working from home
3. Flexible working
  - Flexitime
  - Requests for permanent changes to working pattern
  - TOIL

## 3. The charity need

Although Triple C is committed to providing the widest possible range of working patterns for its small workforce, both trustees and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the charity.

## 4. Eligibility

Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the organisation's workforce, there should be no arbitrary barriers. Employees, in all areas and levels of the Charity, with a minimum of 26 weeks' continuous service, will be considered for flexible working arrangements regardless of their age, sex, sexual orientation, race, religion, belief, whether they have a disability, their level of seniority, their current working pattern, whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or charity performance.

## 5. Working from Home - Ad hoc arrangements

Home working may be considered an appropriate temporary, occasional or one-off arrangement to effectively balance individual convenience and Triple C's work demands in the following situations:

- Travelling to Triple C offices before or after an off-site meeting at the beginning or end of the working day would not be an efficient use of time because of traffic or distance. Therefore, undertaking some Triple C work at home would be both more convenient for you and more effective for the organisation
- Writing a complex report, undertaking some research, reviewing paperwork or other tasks requiring concentration may be more effectively performed without the distractions of an office environment
- Meeting the care needs of an ill dependent can best be met through a temporary arrangement of home working on appropriate tasks
- You are needed at home to wait for a domestic service (e.g. boiler repair service), which cannot be undertaken out of office hours and there are some Triple C tasks that can be properly undertaken at the same time.

Agreement will only be given when:

- working from home is not detrimental to the efficient and effective delivery of Triple C services and it is clear what tasks can be undertaken away from a normal working environment.
- there is a clear logic for exceptional discretion being given for domestic affairs to supersede work priorities for a limited period in a way that cannot be better met by a flexible working arrangement, exceptional leave, or a formalised home working arrangement.

During any temporary home working arrangement, the employee must be contactable by trustees and staff of Triple C, must have regard for Triple C's confidentiality policy, should have access to work email and have completed a home working risk assessment.

Any requests for temporary home working need to be agreed by your line manager in advance, and the employee's outlook calendar should reflect that they are working from home. Your line manager, will be responsible for assessing with you that tasks are appropriate for home working, and in monitoring the effectiveness of the ad-hoc arrangement.

## 6. Regular or considerable working from home

Regular or considerable home working is generally considered to be contrary to maintaining a healthy and cohesive working culture at Triple C because staff usually fall within the following categories:

- Some roles at Triple C are office-based and the duties listed in the job description are not compatible with home working
- Other roles involve spending a lot of time out of the office. It is extremely important for such mobile staff to spend time in Triple C's offices. This enables them to liaise with colleagues, report on project progress, provide feedback from conferences, engage in discussion and debate and generally contribute to the cohesion of Triple C as a whole. Home working for mobile staff may not, therefore, be compatible with fulfilling the non-mobile elements of job descriptions.

Regular or considerable home working will, therefore, need a strong rationale to be approved. In addition to the considerations above, such an arrangement is a significant change in your terms and conditions. Furthermore, Triple C will need to carefully consider the health and safety, occupational health and data protection considerations of your home working on a regular basis. In view of these complex contractual and legal considerations, any application for home working will need to be considered by the Operations Manager.

Any request for a regular or permanent home working arrangement will need to be presented to the Operations Manager. The request will need to detail in writing:

- The hours that are being requested for home working

- The tasks that will be performed while working at home
- The rationale for the home working being so effective in the delivery of your role or so beneficial to us as to counteract the strong considerations of cohesion and working culture explained above.
- How you will be as accessible by email or telephone as if you were at the office
- The IT arrangements necessary for you to perform computer-based elements of the proposed home-working tasks in keeping with data protection and other ICT policies
- A health and safety risk assessment of the home, using the checklist at appendix i, demonstrating that there are no occupational health risks to working at home

Any agreement for you to work from home on a regular basis will be made for a trial period initially. Thereafter, the decision will be reviewed on a regular basis by your line manager. Any agreement of home working will not be a permanent arrangement, and can be changed or terminated by Triple C with reasonable notice. The withdrawal of agreement need not be linked to the success or otherwise of the individual's arrangement; a change in organisational ethos or wider demands on flexible or home working arrangements may cause a change in the organisation's stance.

## 7. Flexible working principles

A range of flexible working arrangements will be considered when the following criteria are satisfied:

- That flexible working does not contravene relevant employment legislation, in particular the working time directive
- The flexible working arrangement is not contrary to an employee meeting the duties described in their job description
- The flexible working arrangement, when considered alongside all other flexible working requests, is not detrimental to the efficient and effective delivery of Triple C services

For the third criterion to be met, any individual flexible working arrangement needs to be considered alongside all other requests for flexible working from other members of staff. It is important that all staff have equal consideration under this policy. However, as a small organisation, Triple C needs to be careful that collective demand for flexible working arrangements is not so great as to be detrimental to delivering high quality services.

## 8. Flexible working options

There are a number of different ways in which your contracted hours may be altered from the standard day or week to be more convenient for your home arrangements in a way that, when balanced with others' demands, Triple C services may still be effectively delivered.

### 1. Flexi-time

Your start and finish times can be varied over the week, as long as you work within core hours (930am-330pm, Monday – Friday). However, you should be mindful of available office hours (830-5pm Monday to Friday) and flexible working beyond this must be undertaking meetings or events at unsociable times.

### 2. Overtime and Time Off In Lieu (TOIL)

Triple C does not encourage overtime, except when necessary to cover for the absence of a colleague, meet a tight deadline, particular demands in a period or as compensation for working unsociable hours. Overtime will usually fall within TOIL arrangements.

TOIL accrued will be deducted from your normal contracted hours (overtime).

The maximum level of overtime that you can build up is the equivalent of 40% of your weekly contracted hours at any one time. Exceptions to this must be considered by and agreed with your line manager.

TOIL can be used flexibly, subject to the requirements of your work. However, a maximum of two days can be taken consecutively as TOIL.

### **3. Negative TOIL**

Triple C understands that there may be occasions when you need to need to take time off, but may not have built up levels of TOIL or have annual leave to take.

In these circumstances, you can accrue negative TOIL (i.e. you may 'owe' Triple C hours (up to the equivalent of 33% of your weekly contracted hours).

You should not have a negative TOIL balance for more than 4 consecutive weeks.

## **9. Managing flexible working across the organisation**

Regular dialogue between employees and their line manager is an important element of managing flexible working across Triple C. Agreement of flexible working arrangements, as detailed above, should be discussed through formal supervision meetings and recorded. Levels of overtime and your outstanding TOIL should also be discussed within your formal supervision meetings to enable your line manager to help you manage your workload and work-life balance.

Time sheets should be submitted weekly using Office 365 Timesheet App and will be approved or rejected by your line manager. Any rejected timesheets should be corrected and resubmitted as soon as possible.

Time sheets identify overtime and TOIL in particular. All completed timesheets can be accessed through Office 365 timesheet app by both the employee and the line manager

Where overtime has been built up to a level in excess of this policy, the line manager will raise concerns with the employee and then with the Operations Manager or Chair of Trustees, who together will develop and agree a plan to address this.

### **1. Breaks**

Whatever your agreed work pattern, within any six-hour period of work, you must take a thirty minute break. As an employer, we are legally required to ensure you take breaks and this needs to be reflected in your recorded hours.

### **2. Requests for permanent changes to working pattern**

Employees with 26 weeks' continuous service have the right to request a change to the number of hours that they work, the times that they work or their place of work. For example, you may want to request:

- **Compressed Hours**

All your contracted hours are worked in the relevant week, but in fewer days. Instead of working standard office hours, it is possible to work longer hours spread over a shorter period, for example across four and a half days instead of five.

- **Changes to start / finish times**

For example because of child care responsibilities

While it is the Triple C's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

### **3. Procedure**

Any employee considering making an application to Triple C in terms of this policy has a responsibility to think carefully about their desired working pattern before making an application.

#### **4. Making an application**

You are only permitted to make one formal application in a 12-month period.

All requests must be made in writing. Any request made under this policy must include:

- the date of the application.
- the changes that you are seeking to your terms and conditions.
- the date on which you would like the terms and conditions to come into effect.
- what effect you think the requested change would have on the organisation.
- how, in your opinion, any such effect might be dealt with.
- a statement that this is a statutory request.
- whether or not you have made a previous application for flexible working; and
- if you have made a previous request, when you made that application.

If you are someone with a disability making this request as part of a request for reasonable adjustments to your working arrangements, then you should ensure that is stated in your written application.

Triple C will not reject out of hand a request that does not contain the required information but will ask you to ensure you provide the information required before addressing your request.

#### **5. How your application will be considered**

Your line manager will acknowledge receipt of the request and arrange to meet with you within 28 days of the date the application was received. During this period, the proposed changes will be considered in light of the impact on Triple C financially, from a service viewpoint and in terms of the impact upon colleagues, as well as other practical considerations.

The meeting provides an opportunity to explore the desired work pattern in depth and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns, should there be difficulties in accommodating the desired work pattern outlined in your application. You are entitled to be accompanied by a work colleague (or representative) at this meeting.

If the application for flexible working is granted, it will mean a permanent change to your own terms and conditions of employment. Accordingly, it will be important that, before making an application, you give careful consideration to:

- which working pattern will assist your requirements, for example in caring for your dependant
- any financial implications it might have on you in cases where the desired working pattern will involve a drop in salary
- any effects it will have on Triple C and how these might be addressed.

## **10. Triple C's response**

Within 14 days of the meeting taking place, your line manager will contact you to either:

- agree to the proposed new work pattern and confirm the date from which the contract variation shall take effect

Or:

- provide clear charity grounds as to why the application cannot be accepted and setting out your right to appeal.

Charity reasons for which Triple C may reject your request include:

- the burden of additional costs
- detrimental effect on its ability to meet customer demand
- inability to reorganise work among existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that you propose to work
- planned changes

There may also be occasions when Triple C will need further time to consider an employee's request or to put in place other arrangements before notifying you of the final decision. Accordingly, time periods for response may be extended by agreement.

## **11. Your right of appeal if your application is refused**

If your request to permanently change your working pattern is refused, you have the right to appeal, in line with Triple C grievance policy. Triple C recognises that all flexible requests must be dealt with within three months of the request.

## **12. Abuse of the scheme**

Failure to keep to the rules of this flexible working policy is a disciplinary offence. Depending on the circumstances, you could be excluded from flexible working entitlements, or we may take further disciplinary action. If you are found falsely recording time worked / TOIL taken, you may be considered to have committed gross misconduct and we may then dismiss you instantly. Please refer the Disciplinary Policy.