



Flexible Working Policy

Inmind Reference:	HR08
Category:	Human Resources
Version Number:	1
Reviewed on:	February 2018
Next review date:	February 2020
Lead Officer:	HR Officer
Equality Impact Assessment completed:	Yes

Applicable Legislation/Regulations:
The Equality Act 2010 The Employment Rights Act 1996 The Work and Families Act 2006
Codes of Practice:
Purpose:
To ensure that any requests made by employees of Inmind Healthcare Group to work flexibly are handled in a fair manner and that all employees are aware of the process to follow should they wish to request a flexible working arrangement.

Version Control Table		
Date Ratified	Version Number	Status
	1	Live

Date	Key Revision
12/02/18	New policy

Please check to ensure this is the most current electronic copy of this document as it is updated and published in electronic format only (hard copies may become out of date).

1.0 The Policy

- a) All employees who have worked for Inmind Healthcare Group continuously for 26 weeks have the right to request flexible working.
- b) An employee can only make one statutory request for flexible working in a 12 month period.
- c) All statutory applications for a flexible working arrangement from such employees will be seriously considered by the Company.
- d) Applications for flexible working will only be refused for the following reasons:
 - The burden of any additional costs is unacceptable to the company
 - The company would be unable to reorganise the work amongst existing staff
 - The company would be unable to recruit additional staff
 - The request would have a detrimental impact on the quality of the service
 - The request will have a detrimental effect on the ability to meet service demands
 - The request would have a detrimental impact on the performance of the service
 - There would be an insufficiency of work during the period the employee is proposing to work
 - There are planned structural changes within the business which would lead to the request being impracticable

2.0 The Procedure

2.1 General Principles

- a) An employee has the right to make a request for flexible working if they:
 - have worked for Inmind for 26 weeks continuously before applying
 - have not made another application to work flexibly under the right during the past 12 months
- b) An employee who fits into this statutory category may request a variation in their contract of employment if it relates to:
 - The hours they are required to work
 - The times they are required to work
 - Their base of employment
- c) All employees and managers should remember that if multiple flexible working requests are received, they will be considered in the order in which they are received.
- d) All requests for flexible working will be considered on a case-by-case basis. The manager assessing the request must remember that once a request by an individual has been approved, the business context has changed for future requests, and that the all current flexible working patterns within the service must be considered when assessing further requests to ensure that these are practicable given current circumstances.
- e) If an Inmind service is unable to approve any further requests for flexible working due to the number of employees within the service already working flexibly, the Registered Manager may consider calling for volunteers from existing flexible working employees to change their contracts back to other arrangements in order to create capacity to grant new requests to work flexibly.

2.2 Making a Flexible Working Request

- a) All applications for flexible working must be made in writing to the employee's Registered Manager using the Request for Flexible Working Application Form (Appendix 2).
- b) The employee must complete fully the appropriate sections of the form ensuring that they include sufficient detail relating to the following sections:
 - The date of the request
 - What effect they think their request will have on Inmind's business and how this may be dealt with
 - A proposed start date for the proposed change, giving Inmind reasonable time to consider the proposal and implement it – this may take 12 weeks
 - Whether a previous request for flexible working has been made, and if so the date on which it was made

- c) On making their request, employees must be aware that if Inmind approves their application, the variation in contractual terms is a permanent one and the employee has no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified period only. If such a period is specified, a trial period for the variation may be agreed.
- d) On receipt of a fully completed Request for Flexible Working Application, the Registered Manager must:
 - Arrange a meeting with the employee within 28 days of receiving the application to discuss the request and confirm the meeting date in writing with the employee
 - Within this letter, inform the employee of their right to be accompanied at this meeting by a Trade Union representative or a work colleague if they wish
- e) If the Registered Manager agrees with the terms of the application and notifies the employee of this accordingly with 28 days of receiving the application, this meeting is not required.
- f) The Registered Manager should arrange to meet with the employee as soon as practicable and at a mutually convenient time. If the employee cannot attend the first meeting date offered, then a further date/time should be arranged. However, if the employee is unable to attend the rearranged meeting without reasonable explanation for this, then the Company will consider their Flexible Working application to have been withdrawn.
- g) Following the meeting, the Registered Manager must:
 - Notify the employee of their decision in writing within 14 days of the date of the meeting. This notification must either:
 - Accept the request and establish a start date and any other action, or
 - Confirm a compromise agreed at the meeting, or
 - Reject the request and set out clear business reasons (as set out in Section 1 of this document) for the rejection, together with notification of the appeals process.

2.4 Right of Appeal

- a) If an employee is dissatisfied with a refusal of a flexible working request, they have the right to appeal the decision using the form in Appendix 3.
- b) The appeal must be received by the identified manager within 14 days of the employee receiving notification of their refusal.
- c) On receipt of this form, the Appeal Lead will arrange for an appropriate panel to hear the appeal.
- d) The Chair of the Appeal Panel must then write to the employee inviting them to attend a meeting to hear the appeal. Within this letter, the Chair must inform the employee of their right to be accompanied at this meeting by a Trade Union representative or a work colleague if they wish.

- e) This Appeal Meeting will take place within 28 days of the receipt of the appeal.
- g) Following the Appeal meeting, the Appeal Chair must notify the employee in writing of the decision of the Appeal Panel within 14 days of the date of the Appeal meeting.
- h) This letter must either:
 - Uphold the appeal and specify the agreed variation and start date, or
 - Dismiss the appeal stating the grounds for the decision and contain a sufficient explanation of the refusal.

2.5 Time Limits

Please note that the Company and the employee can agree to extend any of the time limits sets out in this procedure. If such an agreement is reached, the Manager/Appeal Chair must record this agreement in writing, specifying the period to which the extension relates and the date on which the extension is to end. A copy of this record must be sent to the employee.

2.6 Right to further review

If following both their initial application and appeal process, a request for flexible working is refused, and the employee believes this refusal unfair, the employee should then refer to Inmind's Grievance Policy.

Appendix 1

Equality Impact Assessment for this policy

Protected Characteristic (domain)	Area of conflict	Resolution
Age	Nil	N/A
Disability	Nil	N/A
Gender Reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual Orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you feel you are disadvantaged by this policy, please contact the Registered Manager and the service will actively respond to the enquiry.

Appendix 2

Request for Flexible Working Application Form

Section A

To be completed by the employee making the request.

All required information must be fully completed, for your request to be considered.

Full name:	
Role:	
Location:	
Date employment with Inmind commenced:	

I have previously made a request for flexible working (please tick as appropriate)	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
If yes, please state the date your last request was made:		

If your request is approved, on what date would you propose your changed work pattern commence:	
--	--

Please be aware that it may take up to 12 weeks for this change to be implemented.

Please describe your current work pattern:

Please describe the work pattern you would like to work in the future (including days/hours/times as appropriate):

Impact of the proposed working pattern:

What impact do you think this change in your working pattern will have on the service in which you work and on the business?

What impact do you think this change in your working pattern will have on your colleagues?

I think these effects on the service and colleagues can be overcome as follows:

I confirm that the information provided in this request is true and accurate.

Employee Signature:	
Date request made:	

Section B

To be completed by the Registered Manager on receiving the request.

Date Request Received:	
Time Request Received:	
Receiving Manager :	

Invitation to meeting sent:	
Flexible working meeting to be held:	
Date outcome to be sent to employee:	

To be completed by the Registered Manager following the Flexible Working Meeting.

Were there any delays to the process:		Yes	No
If yes:	What was the delay		
	Date delay confirmed in writing to the employee		

What was the outcome of the meeting? (please tick)	
1. The request was accepted and a start date and any other action agreed	
2. A compromise was agreed	
3. The request was rejected	

If (3), please complete below:

Have clear business reasons been set out for the refusal?	Yes	No
Has the employee been advised of the appeal process?	Yes	No

Date Outcome letter sent to employee:	
--	--

Signature of Manager:	
Date :	

Please attach to this form a copy of the outcome letter sent to the employee.

This form should now be stored in the employee's personnel file.

Appendix 3

Flexible Working Appeal Form

Section A

To be completed by the employee.

If your Manager has turned down your right for flexible working, you have the right to appeal the decision. If you wish to appeal, please fully complete the below form. You must state on what grounds you are appealing and why you feel the decision to reject your application was unfair. This form must be submitted no later than 14 days after you received notification of the outcome of your request.

Full name:	
Role:	
Location:	
Date employment with Inmind commenced:	

Date flexible working request submitted:	
Name of Manager who heard your request:	
Date of your flexible working meeting:	
Date you received written confirmation of the meeting outcome:	

I wish to appeal the decision to reject my request for flexible working on the following grounds:

Signature:	
Date :	

Section B

To be completed by the Appeal Manager on receiving the appeal:

Date Appeal Received:	
Received by (name):	
Signature:	

Nominated Panel for Appeal Hearing:

Panel Chair:	
Panel Member:	

Section C

To be completed by the Panel Chair on receiving this appeal:

Invitation to Appeal sent:	
Date Appeal to be held:	
Date outcome to be sent to employee:	

To be completed by the Appeal Chair following the meeting.

Were there any delays to the process:		Yes	No
If yes:	What was the delay		
	Date delay confirmed in writing to the employee		
What was the outcome of the Appeal? (please tick)			
1. The appeal was upheld and a start date and any other action agreed			
2. The appeal was dismissed			

If (2), please complete over page:

Has a sufficient explanation for the decision been given?	Yes	No
Has the employee been advised of Inmind's grievance procedure	Yes	No

Date Outcome letter sent to employee:	
---------------------------------------	--

Signature of Manager:	
Date :	

Please attach to this form a copy of the outcome letter sent to the employee.

This form should now be stored in the employee's personnel file.