



ELHAP – A SPECIAL NEEDS ADVENTURE PLAYGROUND
119, Roding Lane North
Woodford Bridge
Essex
IG8 8NA

Telephone: 020 8550 2636
Fax: 020 8550 2683
Email: info@elhap.org.uk
Website: www.elhap.co.uk

FLEXIBLE WORKING POLICY

1. Introduction

- 1.1 This document sets out the ELHAP's policy for dealing with requests for flexible working. The document sets out an employee's entitlement to request flexible working in accordance with the Employment Act 2002.

2. Scope

- 2.1 This document is applicable to all ELHAP employees on permanent, fixed-term or sessional contracts who satisfy the continuous service requirements (see 4).

3. Flexible working request

- 3.1 An eligible employee will be able to submit a request to work flexibly to enable him/her to care for a child or any other dependent relative. The right to work flexibly is not automatic; ELHAP will consider all such requests and will try to meet them wherever possible, or discuss what might be possible. The employee can request either a permanent or temporary change to their contract.

- 3.2 An employee will be able to ask for:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home.

This would cover working patterns such as annualised hours, part-time work, job-sharing, flexitime, term-time working, shift working and changes to start and finish times.

- 3.3 A request for a temporary change will normally only be considered under this procedure for periods of between 3 and 12 months. A temporary change will normally only be agreed once; a request for an extension or a further temporary change will usually be refused and the individual may have to consider whether to request a permanent change. (An employee requesting a temporary change should be aware that such a request is not covered by statute; the Employment Act refers only to applications for a permanent change.)

- 3.4 A request may be refused if the reason for refusal relates to one or more of the following statutory reasons specified below:

- the burden of additional costs
- detrimental affect on our ability to meet user or other needs
- inability to re-organise work amongst existing staff
- inability to recruit additional staff

- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that the employee proposes to work
- planned structural changes
- any other ground specified by statutory regulations.

- 3.5 This policy relates solely to requests to work flexibly to meet caring responsibilities. It is not to be used for any other request for leave of absence or changed hours for other reasons; such a request would be dealt with by the line manager as appropriate.
- 3.6 If an individual wished to request a change back to a previous pattern of work, after obtaining the right to work flexibly in accordance with this policy, then this would be considered but not under this policy unless it could be shown that the change was in relation to caring responsibilities.

4. Eligibility

- 4.1 In order to make a request under the statutory procedure an employee must:
- have a child under the age of six, or under 18 in the case of a disabled child
 - have worked for ELHAP continuously for 26 weeks at the date the application is made
 - make the application no later than two weeks before the child's sixth birthday, or 18th birthday in the case of a disabled child
 - have or expect to have responsibility for the child's upbringing
 - be making the application to enable them to care for the child.

5. Making a request

- 5.1 To pursue a request for a change in working pattern, the employee must make an application in writing to their line manager. The employee must explain the nature of the change proposed to their working pattern and the date that they would like it to come into effect. The application must also explain the effect which the employee believes it will have upon their work and how this might be dealt with. The employee must also state how they satisfy the eligibility criteria (see 4.1), and may be required to produce appropriate evidence. An employee making such a request should therefore carefully consider the practicalities of their request, and they may want to informally discuss it with their line manager or a member of the ELHAP Human Resources Sub-Committee.
- 5.2 The line manager will, within 28 days, arrange a meeting between the employee, their line manager and a member of the ELHAP Human Resources Sub-Committee. The meeting will be to discuss the request and see how best it might be accommodated. It will also provide an opportunity to consider any alternative proposals if the line manager feels that the employee's requested working pattern cannot be accommodated. The employee will be invited to bring a colleague or staff/trade union representative to the meeting if they wish to do so.
- 5.3 The line manager will write to the employee within 14 days of the meeting to advise them whether their request has been granted, or to provide clear reasons as to why the application cannot be granted, which will relate to at least one of the reasons outlined in paragraph 3.1 above. In the alternative, the line manager may outline the further action that will be taken before notifying the employee of the final decision, for example to try and recruit a job-share partner before agreeing or refusing a request to job-share or to see whether there may be a vacant post which may be a suitable alternative.

- 5.4 If an employee and their line manager can agree a change in working pattern outside of these procedures then they may do so. The line manager may seek Human Resources advice and input at this informal stage if they would find it helpful. The ELHAP Human Resources Sub-Committee would need to be notified of any agreement reached so that any necessary contract variation and pay adjustment can be made. If such informal discussion has taken place and agreement cannot be reached, it is the employee's responsibility to approach the ELHAP Human Resources Sub-Committee with a formal request in accordance with paragraph 5.1.
- 5.5 ELHAP is responsible for any decision to refuse to grant a change in working pattern and, in addition to relying upon the statutory reasons outlined in paragraph 3.4, a refusal must also be reasonable and non-discriminatory in all the circumstances.
- 5.6 Once an application to work flexibly has been made, the employee may not make another request until 12 months from the date of the previous decision has elapsed, unless there has been a significant change in personal circumstances, or other exceptional circumstances which ELHAP may consider.

6. Appeal Procedure

- 6.1 If the employee is dissatisfied with the decision s/he may make an appeal within 14 days of notification of the decision. Any appeal should be made in writing to the Chair of the ELHAP Human Resources Sub-Committee, setting out the basis for appeal. The appeal will be heard by an appeal panel consisting of the Vice-Chair of the ELHAP Board of Trustees (Chair of appeal panel) and one other member of the ELHAP Board of Trustees, both of whom must not have been involved in the original decision.
- 6.2 The appeal panel will hear evidence from the line manager and the employee, and may seek advice from the ELHAP Human Resources Sub-Committee. The employee will be invited to bring a colleague or staff/trade union representative to the appeal if they wish to do so.
- 6.3 The decision of the appeal panel will be final.

7. Contractual benefits

- 7.1 If a request to work flexibly is granted, the employee will be issued with a contract variation setting out the terms of the new working pattern, and including any changes to their salary and annual leave entitlement
- 7.2 If the change is temporary, the date when the variation comes to an end will also be stated.

**Implemented by the ELHAP Board of Trustees
3rd October 2005**