



Flexible working procedure

Procedure Summary

This procedure sets out how members of staff can request flexible working. Requests can cover hours, times, place of work and different patterns of work.

Policy Overview

Extract from HR Policy framework

4.3 Flexible working

The British Red Cross is committed to the principles of equality and diversity and welcomes applications from all employees who wish to work on a flexible basis and will consider all requests in a fair and transparent manner. The British Red Cross embraces flexible working as part of its work culture, as it recognises that flexibility is a fundamental feature of a modern and dynamic organisation.

The British Red Cross is committed to meeting its staff's personal needs and supporting them in balancing their work and personal commitments whenever possible. The organisation aims to achieve this by requiring managers to consider requests for flexible working arrangements with an open mind, but allowing the final decision to be determined by the manager based on the feasibility of the given service requirements.

Any arrangement between managers and their teams to work flexibly must be built on the principles of trust and accountability. The British Red Cross believes that by trusting staff and giving them more control over their working patterns, they will be motivated to perform to a higher standard.

It is recognised that the same degree of flexibility may not be possible across all roles and services. All staff and managers are, however, encouraged to have open conversations about what can reasonably be achieved, keeping into account the constraints of different roles and service requirements.

Owner	Executive Director of People and Learning
Procedure Lead	Workforce Policy Advisor
Formally endorsed by	Executive Leadership Team
Endorsed	May 2009
Next Review	March 2021
Audience	All staff
Related to policy	HR Policy framework section 4.3

1. Introduction

- 1.1. The British Red Cross recognises the benefits to be gained by utilising, enhancing and retaining the skills of people wishing to work flexibly. Requests can cover hours, times and place of work and different patterns of work. Examples of possible flexible working arrangements are below. Please note this list is not exhaustive:

Part-time working: Part-time working is considered to be any pattern of hours of less than 35 hours per week.

Job sharing: Two employees voluntarily share the duties and responsibilities of one full-time job. Post-holders are able to split the hours of work equally, or one post-holder can work up to a maximum of 21 hours per week.

Home working: please refer to the [Home working procedure](#).

Non-standard hours: when employee has different start, finish and break times from other workers.

Compressed hours: when an employee works full-time hours but over fewer days.

Term-time working: when an employee does not work during the school holidays or reduces the contractual hours worked during this time.

- 1.2. The British Red Cross recognises the need to balance the demands of working life with other responsibilities and will consider such requests sympathetically, but must also consider business needs and service commitments.

1.3. Eligibility

There is a statutory right for employees to apply for flexible working if they have worked continuously for the same employer for the last 26 weeks. However, the British Red Cross extends this right to all employees regardless of their length of service.

The British Red Cross allows employees to make a formal request every 6 months.

1.4. Risk management

This procedure contributes to risk management within the British Red Cross by enabling staff and line managers to manage flexible working requests effectively and consistently and to ensure that the needs of the organisation, department and individual are balanced.

This procedure has been produced in line with, and should be interpreted in the light of our organisational values: compassionate, courageous, inclusive and dynamic.

1.5. Principles

- a. The British Red Cross recognises that flexible working supports staff in balancing their work and personal commitments and contributes to staff wellbeing.
- b. Every effort should be made to accommodate flexible working, however in certain circumstances it may not be possible to agree to some requests due to the nature of the staff member's role or to other operational needs. Flexible working is not an absolute right or an entitlement; it is always subject to the demands of service.
- c. Staff can request flexible working:
 - > Formally, by submitting a written application. This request, if granted, will entail a change of the terms and conditions in the employee's contract.
 - > Informally, as an ad-hoc or regular arrangement with the approval of the line manager. If granted, this type of arrangement does not constitute a change in the terms and conditions of employment and is subject to review and amendments with reasonable notice.
- d. Decisions about flexible working should be based on whether the organisation could accommodate the request and not on the reason why the staff member is making the request (unless the request is made in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability).
- e. Managers must give serious consideration to any request for flexible working in a way that is in keeping with our organisational values: inclusive, dynamic, compassionate, courageous. They should only reject a request if there are solid business reasons for doing so. Managers should approve all reasonable flexible working requests that:
 - > comply with legislation and with British Red Cross policies,
 - > do not interfere with service delivery or
 - > do not result in significant additional workload for other members of the team (unless agreed by the impacted team members).
- f. Some roles may not be compatible with some types of flexible working. For example, the ability to work flexibility may be restricted for some roles:
 - > that require physical presence on site;
 - > that are subject to fluctuations in the demand for services;
 - > whose working hours depend on the availability of service users.

2.1. **Informal requests for flexible working arrangements**

Some type of flexible working arrangements (e.g. staggered hours, working from home up to two days per week) can be requested as informal arrangement. In these cases, staff can discuss with their manager or request this arrangement by emailing their line manager.

Where an informal request for flexible working is declined the staff member is fully entitled to discuss the issue with a more senior manager if the reason for the refusal has not been explained properly or they feel it is unreasonable.

Where an informal flexible working arrangement is in place, a line manager may ask a staff member to modify the arrangement due to operational needs. In these cases, the manager should give at least one week's notice.

2.2. Making a formal flexible working request

Formal requests for flexible working arrangements should be made in writing to the line manager using the Flexible Working request form, and should include the following information:

- > the nature of the change requested
- > the date the proposed change would become effective
- > a provisional end date (or review date) if the arrangement is to be for a fixed period
- > what effect the employee believes the change will have on current British Red Cross business needs and/or service commitments and how these may best be addressed.

2.2.1. *The basis on which to consider flexible working requests*

The British Red Cross will consider all requests in a reasonable manner and within a reasonable period of time; however, requests may be refused on business grounds. In considering any request for flexible working the organisation will weigh up the balance between supporting the request and any impact such a request would have. Requests should be considered by the line manager in consultation with the employee(s) and with guidance from the P&L Advice and Casework Team where appropriate, taking into account the following:

- > the needs of the department
- > how the workload could be re-distributed or accommodated
- > limitations on seating / equipment
- > preferences and availability of the job-sharers (where appropriate)
- > the need for "overlap" or liaison with other team members and the job-share partners (where appropriate).

Once a formal request is received the following process should be followed:

- a. The line manager should arrange to meet with the employee to discuss the practical impact of their request within 28 days of receipt. Where this is not possible e.g. due to annual leave or sickness, the meeting will take place as soon as is practicable. The line manager should notify the P&L Advice and Casework Team prior to the meeting. If an employee fails to attend a meeting to discuss the application (including any appeal meeting) and then **also** a

rearranged meeting without a good reason, the British Red Cross will consider the request withdrawn. The employee will be informed of this decision in writing.

- b. A discussion may not always be needed, for example when the line manager accepts a request, but it may be helpful to discuss a request with an employee anyway to ensure that the proposal put forward is the best solution for both the employer and employee.
- c. The employee will have the right to be accompanied to the meeting by a colleague of their choice or a trade union representative.
- d. The manager will respond to the employee's request in writing within 14 days of the meeting, or as soon as is practicable. It is important that the request is dealt with in a timely manner, as the law requires the consideration process must be completed within three months of first receiving the request, including any appeal. If for some reason the request cannot be dealt within three months the British Red Cross can extend this time limit, provided the employee agrees to the extension.
- e. Where the request cannot be met, the line manager must write to the employee explaining the reasons for this, which must be one of the eight statutory business reasons below. The manager should also outline the procedure for appeal:
 - 1) The burden of additional costs
 - 2) An inability to reorganise work amongst existing staff
 - 3) An inability to recruit additional staff
 - 4) A detrimental impact on quality
 - 5) A detrimental impact on performance
 - 6) Detrimental effect on ability to meet customer demand
 - 7) Insufficient work for the periods the employee proposes to work
 - 8) A planned structural change to your business
- f. Employees wishing to appeal against their manager's decision or negotiate an alternative arrangement must do so by writing to a named manager stating the grounds of the appeal within 14 days of the date of the outcome letter.
- g. The named manager, will arrange to meet with the employee within 14 days of receiving the appeal in order to hear the appeal. The employee will have the right to be accompanied by a colleague of their choice or a Trade Union representative.
- h. The outcome of the appeal will be confirmed in writing to the employee within 14 days of the appeal hearing.
- i. If the above deadlines are not practicable, they may be extended on the agreement of both parties.

- j. If the application for flexible working cannot be met, the employee can re-apply after a period of six months from the date of the initial application.
- k. There may be instances where it is not clear whether the arrangements requested are sustainable and in these cases the arrangement may be trialled on a temporary basis. Trial periods can be established for up to six months (or up to 12 months for term-time working requests). Extensions to the trial may be agreed if there are strong business reasons, for example to amend the arrangement if more practical, or if the business situation changes during the course of the trial but it should not normally continue for more than 12 months. Details of the trial period and any extension must be confirmed in writing and review points should be set to jointly discuss how the new arrangements are working and make any adjustments necessary. If the trial is successful, the arrangement will be confirmed as permanent and the employee will receive a change to their terms and conditions in writing. If a trial period is not successful employees will return to their substantive working pattern. Employees wishing to appeal should refer to point f above.
- l. NB Trial periods may extend beyond the time-frame mentioned above but it must be made clear that this is the reason for the extension and the employee must be in agreement.
- m. A mutual agreement must be reached before any flexible working arrangement may commence. Once a change to working patterns has been agreed, the line manager should complete an **Employee Lifecycle Change Form** and send it to P&L Support. Unless a trial period is agreed, the employee must receive a letter confirming the permanent changes to their terms and conditions within 28 days of the request being approved.

2.2.2. Procedure for managing specific flexible working patterns

a. Part-time working and job sharing:

An existing employee who wishes to reduce their working hours and job share their current post should follow the procedure to request flexible working set out above and the line manager will consider, as above, whether the request can be accommodated within an existing post.

When a job is advertised and staff would like to apply for the role on a part-time/job-sharing basis, they should explain this in their application, which should be assessed in the same way as an application from other candidates.

When deciding whether to appoint, the manager will need to consider whether the request meets operational needs, whether it is feasible to recruit to and cover the remaining hours available, or whether the post can be appointed to on a part-time basis. Managers are expected to consider any requests and be able to provide objective and demonstrable evidence based on business need for declining a request. Wherever possible, the British Red Cross will endeavour to “match” two applicants wishing to job-share.

Salary will be proportional to the number of contractual hours worked.

In addition the following specific points should be noted with regards to job-sharing:

- i. The working arrangements, responsibilities, division of duties and any variations to a particular job will be agreed by the line manager, in consultation with the job-partners and the P&L Advice and Casework Team.
- ii. The job level of a post applies jointly to both job-partners.
- iii. Overall responsibility for the job-share partnership should always be shared by both partners, who must be in a position to take responsibility for fulfilling the job requirements.
- iv. The salaries of job-partners will be reviewed on an individual basis in the annual salary review in line with their performance.
- v. Job-share partners should agree holiday patterns with their line manager.

c. Term-time working:

Term-time working applies to full and part time staff. It allows staff to work during term time only or reduce their contractual hours worked in this period. When a request is received it will be considered in the same way as other flexible working requests and, if agreed, the procedure for calculating pay and annual leave can be found in appendix 3. In addition the following specific points should be noted:

- i. Salary will be based on the number of term-time hours to be worked and will be paid in 12 equal monthly instalments or a pro rata number of instalments if the term-time working arrangement commences partway through the year.
- ii. The arrangement may affect the calculation of pension contributions and staff are advised to contact the British Red Cross' pensions provider, Legal and General, or their own pension provider to discuss their financial planning.
- iii. Annual leave entitlement should be taken during non-working periods; this means that non-working periods will be a combination of paid annual leave and unpaid leave however salary will be paid in 12 equal monthly instalments. Staff can request unpaid leave in exceptional circumstances. Carers and compassionate leave will continue to be applied in the normal way.
- iv. Employees should agree with their line manager how much non-working time is required (up to a maximum of 14 weeks) at the beginning of each year and when this is to be taken.
- v. The line manager should then inform the P&L Support Team of the agreed dates for the following school year by the end of the summer term each year.
- vi. An agreed term-time arrangement would not be seen as a break in continuous service.

2.2.3. Procedure for ceasing the flexible working arrangement

It is important to note that there is no automatic right to return to full time working hours or previous working patterns once the flexible working arrangement has been agreed. Any request to end the arrangement will be considered based on operational needs and available budget and would be subject to agreement from the line manager, in consultation with the P&L Advice and Casework Team and the employee.

- i. In the event of one job-share partner resigning from a job-share partnership, it should be considered whether the post-holder should be replaced. If the decision to fill the post has been made, it may be offered initially to the remaining job-share partner on a full time basis. When it is either not offered or not accepted, the vacant part of the job partnership can be advertised in accordance with the above and the British Red Cross' recruitment procedures.
- ii. In the event of the employee no longer wishing to continue in part-time or term-time working, the line manager will consider whether the post should become full-time, or whether the employee could take on an additional part-time post (where applicable).

2.2.4. Additional guidance

For all flexible working arrangements the following guidance applies:

- i. Salary, maternity pay, annual leave (including bank and public holidays) and sick pay entitlements should be calculated on an individual basis and will be applied pro-rata to the hours worked. For term-time only workers, sick pay will be paid on a proportional basis during term-time.
- ii. The pension scheme is available for all staff to join and continue with in accordance with the standard rules of the scheme.

2. Key people

- > **Workforce Policy Advisor:** maintain and update policy and procedure where necessary.
- > **P&L Advice and Casework team:** provide advice and support to employees and managers.
- > **Line manager:** manage requests for flexible working in a way that is consistent with our policies and with legislation.

3. Laws and regulations

- > Health and Safety at Work etc Act 1974
- > Employment Rights Act 1996
- > Flexible Working Regulations 2014 (SI 2014/1398)
- > Equality Act 2010

4. Review and maintenance

This procedure will be reviewed every three years or as and when required to reflect any legislative change or good practice developments.

5. Appendices

- > Appendix 1: related documents
- > Appendix 2: document provenance
- > Appendix 3: calculating Term-time only salary and annual leave

Appendix 1: related policies and documents

Document title	Relationship to this policy
Fundamental Principles of the International Red Cross and Red Crescent Movement	Supporting document
HR Policy Framework	Policy
Home working procedure	Procedure
Time off in lieu procedure	Procedure
Flexible working request form	Form

Appendix 2: document provenance

Date endorsed	Category	Summarise changes made	Reason for changes	Consulted	Changes endorsed by
May 2009	Endorsement	Policy endorsed	N/A	Unknown	Unknown
November 2009	Interim Update	Clarity around term time working arrangements, update on legal rights.	Update	Unknown	Unknown
October 2014	Update	Right to request flexible working extended to all employees with 26 weeks service. Employers must deal with requests in a reasonable manner, within a reasonable period of time.	Legislation changes	Unknown	Unknown

December 2014	Clarification	Clarity around trial periods (7.2).	Update	Unknown	Unknown
March 2015	Clarification	Clarity around when an application can be made.	Update	Unknown	Unknown
May 2015	Update	Format update	Update	Unknown	Unknown
November 2016	Update	Changed HR job titles to P&L advice and support. Changed advertising support, to now come from the Resourcing team rather than HR.	Update	Unknown	Unknown
December 2017	Interim update	Updated to align with new HR Policy Framework and corporate procedure template	Introduction of new HR Policy framework	Corporate Policy Manager	Head of P&L Expert Services
March 2018	Full review	<p>Policy statement modified and principles introduced to reflect the outcome of the flexible working review.</p> <p>Difference between formal and informal arrangements clarified.</p> <p>Requirement of 26 weeks of service removed; requests allowed every 6 months.</p>	Major review of flexible working approach at BRC.	<p>P&L Directorate</p> <p>Staff Association</p> <p>Staff at large (two staff surveys were run)</p> <p>Diversity team</p> <p>DMTs</p> <p>ELT</p>	ELT

Appendix 3

Calculating Term-time only salary and annual leave

Please use the formulas set out in table below to help calculate the term-time only salary and annual leave.

Start of agreement		Calculation method
End of agreement		
Current salary (actual)		
Hours worked per week		
Annual leave entitlement for full year	7.2 weeks	36 days divided by 5 day week
Number of term time weeks worked in 12 month period		
Annual leave accrued under term time contract		(7.2 weeks divided by 52 weeks) multiplied by number of term time weeks in 12 month period
Total no. of weeks to be paid		No of term time weeks added to accrued annual leave
Annual salary (actual) under term time contract		(Current salary divided by 52 weeks) multiplied by total number of weeks to be paid