



The British Association of Social Workers

Flexible Working Policy

January 2018

Type	New policy
Issued to Staff	11 th January 2018. Please note – this policy provides further guidance to the current staff agreement that covers Flexible Working
Last Review Date	5 th January 2018
New Review Date	January 2019

INTRODUCTION

Flexible working opportunities can benefit everyone: employers, employees and their families.

BASW recognises the positive impact of flexible working arrangements to:

- improve business efficiency and productivity;
- improve the balance between life and work;
- create a positive and inclusive environment;
- create a happy and healthy workforce.

The aim of this policy is to promote good planning and practice to enable BASW to be a supportive employer and to lay down clear guidelines in order to support staff fairly, transparently and consistently while ensuring business needs are met.

This policy supersedes paragraph 25 in the BASW Staff Agreement relating to Flexible Working.

FLEXIBLE WORKING

Employees with at least 26 weeks' continuous service have a legal right to request flexible working. This will be granted wherever possible.

Eligible employees can formally request a change to their working pattern by making a statutory application but all employees can ask to work flexibly.

Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.

No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

Managers should contact HR at the earliest opportunity to seek advice on all applications for flexible working.

This policy applies to all employees. It does not apply to consultants or self-employed contractors.

Employees whose requests for flexible working are accepted will have permanent changes made to their contracts of employment to reflect their new working arrangements.

Forms of flexible working

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;
- reduction of the number of days worked each week; and/or
- working from a different location (for example, from home).

Such changes may involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time, phased retirement etc.

Eligibility for the statutory right to request flexible working

To be eligible you must:

- be an employee;
- have worked for us continuously for 26 weeks at the date your request is made;
- not have made a formal request to work flexibly during the last 12 months (each 12-month period runs from the date when the most recent application was made).

BASW employees who do not have the legal right to request flexible working are of course free to ask BASW if they can work flexibly.

Making a formal flexible working request

You will need to submit a written application if you would like your flexible working request to be considered.

You should complete the BASW Application for flexible working form contained in Appendix 1 of this policy. Your form should be submitted to your line manager.

Withdrawing an application

Employees should tell their employer in writing if they want to withdraw their application.

The employer can treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason, eg sickness. The employer must tell the employee they are treating the request as withdrawn.

Formal procedure: meeting

Your line manager will arrange to meet with you within 28 days of your application being submitted. The meeting may also be attended by the Executive Officer Business Services and/or HR Business Partner. You may bring a colleague (who may be a trade union representative) to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you. The meeting will be used to consider the working arrangements you have requested.

You will be able to explain how the perceived flexible working arrangements will positively benefit you. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your team. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team.

Formal procedure: decision

BASW will take the decision on whether or not your request can be granted on business grounds rather than your personal circumstances.

Following the meeting, your line manager will notify you of the decision in writing within one month.

If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager and/or Chief Executive will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence.

You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager and/or Chief Executive will discuss with you.

Any changes agreed to your terms of employment will normally be permanent, unless you agree otherwise. Making a permanent change to your contract of employment is a big step and should not be entered into lightly. If you have concerns about this a trial period of working flexibly might be appropriate.

You will not be able to make another formal request until 12 months after the date of your original application.

If your line manager need more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff or receive permission of Council.

There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, your line manager will write to you:

- giving the business reason(s) for turning down your application;
- explaining why the business reasons apply in your case; and
- Setting out the appeal procedure.

Business reasons for which we may reject your request are:

- extra costs that will damage the business
- the work can't be reorganised among other staff
- people can't be recruited to do the work
- flexible working will affect quality and performance
- the business won't be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

Formal procedure: appeal

If your request is rejected, you have the right to appeal and your appeal must:

- be in writing and dated;
- set out the grounds and reasons on which you are appealing; and
- be sent to the Chief Executive within 7 days of the date on which you received the written rejection of your request.

The Chief Executive will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague or Trade Union Representative. You will be informed in writing of the outcome of your Appeal within 14 days of the date of the appeal meeting.

If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters,

such as arrangements for handing over work that your line manager will discuss with you.

Any changes agreed to your terms of employment will normally be permanent, unless you agree otherwise. Making a permanent change to your contract of employment is a big step and should not be entered into lightly. If you have concerns about this a trial period of working flexibly might be appropriate.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

Breaches of the formal procedure

There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your line manager and/or Chief Executive will write to you confirming the extension and the date on which it will end.

If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- you fail to attend two meetings under the formal procedure without reasonable cause; or
- you unreasonably refuse to provide information required to consider your request.

In such circumstances, your line manager and/or the Chief Executive will write to you confirming that the request has been treated as withdrawn.

Appendix 1:

BASW Application for Flexible Working		
Date:		
Is this a statutory request for Flexible Working? Please tick which applies	Yes	No
Please tick type of flexible working requested:		
part-time work:		
flexi-time		
compressed hours		
staggered hours		
job sharing		
home working		
Please give details of flexible working requested. e.g. Change in hours etc.		

Please give details of how you think this request would affect BASW business and how any affects could be dealt with:

Have you previously made an application for flexible working? Yes No

If applicable what date did you make your last application for flexible working.

Signed:

Flexible Working Request Managers' FAQs

Line manager's support is absolutely key and advice is available from HR for the successful implementation of flexible working policies. They should be supportive of the concept because they will want their team to be fulfilled and rewarded for their contribution, as well as work more productively. However managers could see it as more work for themselves. There could be anxieties around flexible working and service provision

This Managers FAQ sheet aims to answer some of the most common views expressed by managers.

“Everyone will be coming and going when they please. How will we get the work done?”

Getting the job done is what counts, and people who work flexibly know this better than most. The secret is for employees and managers to agree realistic objectives and to ensure that everyone is clear about when they are out of the workplace and when and how they can be contacted.

“If we have flexible hours, does that mean I have to work longer to supervise everyone?”

Clearly any flexible work programme relies on organisation within the team. Employees who work flexibly should have good self-management skills and will not need extra supervision after the initial settling in period. Flexible working should not result in extra work for someone else, and this includes the manager. Managers should try and make sure they have some flexibility too.

“What happens if no one is here to answer the phone?”

Preparation work and suggestions should be done by the employee who wants to work flexibly to work out how the job will be carried out if a change in hours means that the phones may not be covered.

“Scheduling of team meetings will be very difficult.”

As part of the introduction of flexible working, team members must be aware of the need to have regular communication through meetings as well as, where appropriate, via email, etc. It should be possible to arrange meeting times to suit all team members, including those working flexibly. Flexible workers may occasionally be asked to change their agreed hours to accommodate key meetings, but this should not be a regular expectation.

“How do we engender a proper team culture?”

If employees realise the benefit of a positive team culture, ask them to come up with ideas for how they can help maintain team spirit. The team must take as much ownership as the line manager in ensuring that flexible working does not affect the service and that includes the proper functioning of the team.

“Out of sight, out of mind ... productivity is bound to go down if people are not closely supervised.”

On the contrary, experience has shown that productivity tends to go up among employees who are able to strike a better work-life balance and who feel trusted to 'get on with it'.

“If I allow one person to work flexibly I shall have to let everyone.”

All the evidence shows that only a minority of workers want to work flexibly. Working flexibly or taking a break from work depends on the circumstances within the workplace at the time the request is made and must be consistent with service objectives being met. Necessarily, “Flexible working should not result in extra work for someone else, and this includes the manager.” therefore, some workers will be unable to take advantage of some options simply because of the nature of their work. Someone who works on the reception desk will not be able to work from home but might be able to job share or work shifts. The important thing for managers is to consider each application on its merits and to give sound business reasons for their decision. Manager training will help them to achieve this.

“Favourable treatment is often given to mothers with children ... what about men and single people?”

In the process for considering applications for flexible working, no mention need be made of the reasons for the request. To avoid accusations of discrimination, try to focus on the feasibility of the request rather than the reason for it.

“Isn’t part-time work only for junior staff? Surely people are not committed to the organisation or their careers if they only want to work part of the week?”

Research shows that part-time employees, who are managing outside responsibilities as well as their jobs, are often more committed to their work than their full-time colleagues. The test of this is, once again, having measurable objectives, which should be just as demanding as for full timers. There is increasing evidence of senior roles being undertaken flexibly – and as the demographic make-up of the labour force changes, combined with the changing attitudes of men to the role work has in their whole life, this can be expected to increase.

“Will a job share mean I have to spend more time supervising two people rather than one?”

Managers who have not managed a job share may be anxious about managing two people instead of one. In the early stages of a job share arrangement there is a higher degree of involvement by the manager, simply in terms of making sure the parties are working together properly, that communication processes are in place and that the work is being delivered. In terms of management, there are two performance appraisals to be conducted, etc, although some job share partners choose to have joint appraisals. However, once the arrangement is in place, experience shows that the job sharers develop a strong self-management attitude, particularly if the manager stresses the need for ownership.

“We don’t know how to make it work.”

When an employee initially makes a request for flexible working, he or she should have thought about ways in which a new arrangement might work – it is not up to the manager to do this initial thinking. The key to making it work is to plan carefully, to put in review dates both for individuals and teams and not to be afraid to reassess the situation if it is not working. Even if an employee has the right to request flexible working, the planning is a vital part of making it work. Once it has been thought through by the individual, a team meeting to discuss the proposal is a good idea and detailed discussions can take place about how to make it work.

“How we will know where anyone is if they are working flexibly?”

A very important part of planning for flexibility is for the flexible worker to share with colleague’s details about their working times and when they can be contacted. If the employee is working from home it will be important to state when they are available for calls, etc – one of the challenges of working from home is that there may well be a tendency for colleagues to think they can be contacted 24 hours a day! Modern technology allows us to be at the end of a line all the time – flexible workers need to be given assistance so that they are able to put barriers around their “down time

“If we allow parents to work from home they will use it to manage childcare.”

Wherever work is carried out, there has to be an understanding that it becomes the workplace, ie it is not doubling up as a childcare facility. However, often parents who work at home may split their days so that they can, for example, go to school to collect their children, perhaps spend time with them until bedtime and then get back to work after that. As long as the work agreed is finished on time, employees can, within reason, do it when they want to. However, this only works with project type work. If an individual is part of a team that needs to be in constant contact they will need to negotiate contact times and regular overlaps with colleagues.

“Will those of us who don’t work flexibly have to work harder to allow others to work flexibly?”

No plans for flexible working should adversely impact on others in the team and this should be discussed at the earliest opportunity when trying to agree a flexible working pattern for an individual. There may well be a re-jigging of responsibilities but there should not be a loading of extra responsibilities on to other people. If the team thinks this may be the case it is important for them to discuss alternatives that will suit them all better and still get the work done